

CHAPTER 236

THE PLANT VARIETY AND SEEDS ACT

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CHAPTER 236

An Act to provide for the regulation and control of the production, sale and import of seed for sowing and of the export of seed, and to provide for the testing and for minimum standards of germination and purity thereof, and further to provide for the certification of seed and for matters incidental to or connected with the foregoing.

[1st December, 1968]

PART I

PRELIMINARY

1. This Act may be cited as the Plant Variety and Seeds Act. Short title
(As amended by Act No. 21 of 1995)

2. In this Act, unless the context otherwise requires- Interpretation

"aggrieved party" means any person whose application for registration under Part II has been refused or made subject to any condition by the Certifying Authority, or any person who had been registered under Part II and whose registration has been cancelled by the Certifying Authority;

"authorised officer" means an officer appointed under section *three*.

"certified seed" means any prescribed seed which is certified under the provisions of Part VIII;

"contract of sale" includes an agreement to sell;

"Certifying Agency" means any seed company or institution licenced as a seed testing station under Part II.

"Certifying Authority" means the person designated as such in pursuance of the provisions of section *three*;

"court" means a subordinate court, save where otherwise appears;

"duly authorised officer" means any public officer authorised by the Minister under section *twenty-four* to exercise the powers of an inspector of seeds under this Act;

"future goods", in relation to a contract of sale of prescribed seed, means prescribed seed to be acquired by the seller after the making of the contract of sale;

"imported certified seed" means any prescribed seed certified in the country of its origin imported by a registered seed importer and certified as imported certified seed under the provisions of Part VIII;

"inspector" means a person designated as an inspector of seeds under section *twenty-three*;

"licensed seed seller" means any seed seller licensed as such under Part V;

"official seed-tester" means a person approved by the Certifying Authority as an official seed-tester under section *eighteen*;

"owner", in relation to any seeds, includes any person having for the time being the possession thereof;

"prescribed seed" means any seed to which this Act applies by virtue of a regulation made under section *thirty-five*;

"purity" means analytical purity expressed as a percentage by weight;

"registered seed cleaner" means any seed cleaner registered as such for the time being under Part II;

"registered seed importer" means any seed importer registered as such for the time being under Part II;

"registered seed producer" means any seed producer registered as such for the time being under Part VIII;

"restricted seed" means any seed to which a regulation made under

section *thirty-nine* applies;

"sale in sealed containers" means any sale of prescribed seed in containers sealed for the purposes of sale and sold at a price stated and fixed for each container of equal weight, quantity or volume, or any multiple thereof; or any such sale where each container is expressed to contain a specific weight, quantity or volume of seed and the price is calculated on the basis of such weight, quantity or volume, as the case may be;

"sealed container" means any sack, bag, barrel, box, package, carton, envelope or other receptacle which is closed by means of sewing, stitching, stapling, nailing, heat sealing, gumming or glueing;

"seed" means the part of any plant, customarily referred to as seed, intended for planting and includes seed potatoes;

"seed cleaner" means any person engaged in the trade or business of eliminating impurities from seed;

"seed cleaning plant" means any premises used for the elimination of impurities from seed;

"seed importer" means any person who, either exclusively or in conjunction with any other trade or business, imports seed into Zambia for re-sale;

"seed producer" means any person who, either exclusively or in conjunction with any other trade or business, produces seed for sale;

"seed seller" means any person who, either exclusively or in conjunction with any other trade or business, sells seed for sowing;

"seed-testing station" means any premises, suitably equipped therefor, where seed is tested for its purity and germination capacity;

"sell" includes to exchange or barter or to offer, advertise, keep, expose, transmit, convey or delivery for or in pursuance of a sale, exchange or barter, and cognate words shall be construed accordingly;

"specified variety" means any variety of prescribed seed which has been specified by the Minister pursuant to section *forty-nine* for the

purposes of Part VIII;

"variety" means a subdivision of any kind which can be differentiated from other subdivisions of that kind by growth, plant, fruit or other characteristics and any uniform group which is a first generation hybrid (F1) reconstituted on each occasion by crossing two or more breeding stocks maintained by inbreeding;

"Zambia certified seed" means any prescribed seed produced by a registered seed producer and certified pursuant to the provisions of Part VIII.

(As amended by Act No. 21 of 1995)

PART II

ADMINISTRATION-REGISTRATION OF SEED IMPORTERS AND SEED CLEANERS

3. (1) The Seed Control and Certification Institute is hereby designated as the Certifying Authority and shall be responsible for the administration of this Act. Control and Certification Institute

(2) The Certifying Authority may, subject to the general or specific direction of the Minister, delegate any of its functions under this Act to any authorised officer in the public service.

(As amended by Act No. 21 of 1995)

4. The Certifying Authority shall cause to be kept- Registers

(a) a Register of Seed Importers which shall contain-

(i) the names and addresses, and the principal business addresses in Zambia, of all seed importers registered under this Act;

(ii) such other particulars as may be prescribed;

(b) a Register of Seed Cleaners which shall contain-

(i) the names and addresses, and the principal business addresses in Zambia, of all seed cleaners registered under this Act;

(ii) such other particulars as may be prescribed.

5. (1) Application for the registration of any seed importer or any seed cleaner shall be made to the Certifying Authority in the prescribed form and shall be accompanied by the prescribed registration fee. Application for registration of seed importer or seed cleaner

(2) As soon as practicable after the receipt of such application the Certifying Authority shall-

(a) if he is satisfied that the applicant complies with the prescribed requirements, enter the name and address and principal business address of the applicant in the appropriate register as a registered seed importer, or registered seed cleaner, as the case may be;

(b) if he is not satisfied that the applicant complies with the prescribed requirements, refuse to register the applicant.

(3) Any registration under this section shall be valid until cancelled under the provisions of this Act, or until and including the 31st March next after the date of such registration, whichever is the earlier.

(4) The Certifying Authority may impose such conditions with regard to any registration under this section as it may deem to be necessary in order to ensure that the applicant complies with the provisions of this Act or with the prescribed requirements.

(5) The refusal of an application under this section for the registration of a seed importer or seed cleaner shall not prevent the making under this section of a fresh application for the registration of the same person as such seed importer or seed cleaner at any subsequent time.

(6) Any person who, having obtained registration as a seed importer or as a seed cleaner, subject to any condition imposed under subsection (4) or as amended by the Minister under section *thirteen*, fails to comply with such condition shall be guilty of an offence.

6. (1) Where an application is made under this Act for registration as a registered seed importer or registered seed cleaner, as the case may be, and the business sought to be registered is a partnership firm, the partners shall nominate one member of the firm, who shall, upon the application being granted by the Certifying Authority, be registered as registered seed importer or registered seed cleaner, as the case may be, in respect of the said partnership business.

(2) Registration of any person as a registered seed importer or registered seed cleaner in pursuance of the provisions of this section shall not be construed as affecting or limiting any liability present or future existing or arising between such partners, or between them and any third person.

7. (1) Upon application being made under this Act for first registration of any seed importer, the Certifying Authority may, if it deems it necessary for the purposes of its consideration of the said application, cause an inspector to inspect and report on such warehousing, storage and other facilities which the applicant proposes to use in and about the business of the importation of seeds.

Inspection on application for registration

(2) Upon application being made under this Act for first registration of any seed cleaner, the Certifying Authority may, if it deems it necessary for the purposes of its consideration of the said application, cause an inspector to inspect and report on such premises, equipment and other facilities which the applicant proposes to use in and about the business of the cleaning of seeds.

(As amended by Act No. 21 of 1995)

8. (1) Upon the registration of any seed importer or any seed cleaner under this Act, the Certifying Authority shall issue a certificate of registration of a seed importer, or a certificate of registration of a seed cleaner, as the case may be, in the form prescribed, and shall furnish such certificate to the person registered under such registration, or his agent.

Certificate of registration of seed importer or seed cleaner

(2) The registered seed importer or registered seed cleaner, as the case may be, shall cause the said certificate to be displayed in a prominent place within his principal place of business in Zambia and shall keep

the same so displayed during the continuance of such registration.

(3) Any person who fails to comply with the provisions of subsection (2) shall be guilty of an offence.

(As amended by Act No. 21 of 1995)

9. (1) Any person registered under this Act as a registered seed importer or a registered seed cleaner, as the case may be, may apply to the Certifying Authority, in the form prescribed, for a renewal of his registration. Renewal of registration

(2) Any application for renewal of any registration under this Act must be made to the Certifying Authority not more than three months and not less than one month before the expiry of such registration. The Certifying Authority may, at any time, extend the time herein prescribed for making such application for renewal of registration.

(3) Any such application for renewal of registration shall be accompanied by the fee prescribed.

(4) In the event of the death of the person registered under this Act as a registered seed importer or a registered seed cleaner within six months before the date of expiry of such registration, the Certifying Authority shall extend the time herein prescribed for making an application for renewal of such registration to a date not more than six months from the date of the death of the person so registered.

(5) In the event of an extension of time for the making of an application for renewal having been granted by the Certifying Authority under any provision of this section and the time granted extends beyond the date of expiry of the registration, the said registration shall be deemed for all of the purposes of this Act to have been extended to the date to which the said extension of time extends:

Provided, however, that upon renewal of such registration being granted the renewed registration shall relate back to the date of the expiry of the former registration, and the duration of the renewed registration shall be calculated from that date.

(As amended by Act No. 21 of 1995)

10. (1) Where a registered seed importer or a registered seed cleaner, as the case may be, dies, the following provisions shall have effect:

Devolution and transfer of business of registered seed importer or registered seed cleaner

(a) the death of the registered seed importer or registered seed cleaner shall not of itself render unlawful the carrying on, during the period of six months from such death, of the business theretofore carried on by the said deceased;

(b) the personal representative of the said deceased or, with the consent of such personal representative, any other person shall (subject to the provisions of this section) be entitled, on application to the Certifying Authority in the form and manner prescribed, to be registered as registered seed importer or registered seed cleaner, as the case may be, in respect of the business formerly carried on by the said deceased;

(c) where the said deceased has been registered under the provisions of section *six*, the surviving partner or joint owner, or the nominee of the surviving partners or joint owners, as the case may be, shall (subject to the provisions of this section) be entitled, on application to the Certifying Authority in the form and manner prescribed, to be registered for the purposes of this Act as the registered seed importer or as the registered seed cleaner, as the case may be, in respect of the business formerly registered in the name of the said deceased:

Provided, however, that such registration under this paragraph shall be provisional only, until such time as the Certifying Authority is satisfied as to the identity of the person, or persons, actually entitled, in the events which have happened, to the ownership of the said business; whereupon the Certifying Authority may-

(i) confirm the said provisional registration as full registration, if the person so provisionally registered is entitled to such full registration under this Act; or

(ii) may cancel the said provisional registration and register in lieu thereof the person entitled to be so registered in respect of the said business;

(d) from the death of the said deceased registered seed importer or registered seed cleaner, as the case may be, until the registration of another person as such, the person actually carrying on the business of the said deceased shall be deemed to be the registered seed importer or registered seed cleaner, as the case may be, for the purposes of so much of this Act as relates to things to be done in the course of carrying on the said business, and for the purpose of notices required by this Act to be given to the registered seed importer or registered seed cleaner, as the case may be, and the service of such notices.

(2) Where a registered seed importer or registered seed cleaner, as the case may be (in this subsection referred to as the transferor), transfers on sale or otherwise the business carried on by him in respect of which he is so registered under this Act to another person (in this subsection referred to as the transferee), the following provisions shall have effect:

(a) the transferee shall (subject to the provisions of this section) be entitled, on application to the Certifying Authority in the form and manner prescribed, and on satisfying the Certifying Authority that he has become the proprietor of the said business, to be registered as registered seed importer or registered seed cleaner, as the case may be, in respect of the said transferred business;

(b) until the transferee is so registered, the transferor shall, notwithstanding the said transfer, continue to be, for all of the purposes of this Act, the registered seed importer or the registered seed cleaner, as the case may be.

(3) Where an application is made to the Certifying Authority under this section for the registration of a person (in this subsection referred to as the applicant) as a registered seed importer or registered seed cleaner, as the case may be, the following provisions shall apply:

(a) where the applicant is the personal representative of a deceased registered seed importer or of a deceased registered seed cleaner, as the case may be, and is applying under subsection (1) for registration solely in his capacity as such personal representative, and the application is duly made in accordance with the said subsection, the Certifying Authority shall not refuse the application;

(b) in every other case it shall be lawful for the Certifying Authority, if it so thinks proper, to refuse the application on the ground

that the applicant was previously registered under this Act, and while he was so registered the said registration was cancelled by the Certifying Authority under and pursuant to this Act; and it shall further be lawful for the Certifying Authority to refuse such application upon any other ground which he deems to be a reasonable ground for refusal to register a person as a registered seed importer or a registered seed cleaner, as the case may be, upon application for first registration as such under this Act.

(As amended by Act No. 21 of 1995)

11. If the Certifying Authority is satisfied-

Cancellation of registration

(a) that any registered seed importer or registered seed cleaner fails or has ceased to comply with any provision of this Act or with any condition or requirement imposed or prescribed under this Act; or

(b) that any such registered seed importer or registered seed cleaner has ceased to carry on business as such, or has been convicted of an offence under this Act, or has been adjudicated or is an undischarged bankrupt; or, if an incorporated body, has been wound up; or

(c) that any such registered seed importer or registered seed cleaner, being an individual, has died and no other person has, within six months after such death, been registered in lieu of the said deceased; or

(d) that any such registered seed importer or registered seed cleaner, being an incorporated body, has been dissolved and no other person has, within three months after such dissolution, been registered under this Act in respect of the business formerly carried on by the said dissolved registered seed importer or registered seed cleaner;

he may cancel the registration of such registered seed importer or registered seed cleaner, as the case may be:

Provided that nothing shall be construed to oblige or impose a duty on the said Certifying Authority at any time to exercise the powers by this section conferred upon it.

(As amended by Act No. 21 of 1995)

12. (1) Any aggrieved party may, within twenty-one days after such refusal, imposition of condition upon, or cancellation of any registration under this Part, in writing request the Certifying Authority to furnish his reasons for refusing to register the applicant or for

Reasons for refusal to register or for cancellation:

imposing conditions upon or cancelling such registration.

when to be
furnished

(2) Within fourteen days after the receipt of such request, the Certifying Authority shall furnish in writing to the aggrieved party the reasons-

(a) why it refused the registration applied for; or

(b) why it imposed conditions upon such registration; or

(c) why it cancelled such registration.

(As amended by Act No. 21 of 1995)

13. (1) Any aggrieved party may, within twenty-one days after his receipt of the reasons furnished pursuant to section *twelve*, appeal to the Minister against the decision of the Certifying Authority.

(2) Such appeal must be in writing.

(3) In determining such appeal the Minister may consult with the Certifying Authority, and may affirm the decision of the Certifying Authority, or may order the Certifying Authority-

(a) to register the person, as applied for in the application for registration; or

(b) to strike out all or any of the conditions imposed by the Certifying Authority, or to amend or alter such conditions in such manner as the Minister may direct, or to impose new or further conditions; or

(c) to restore the registration;

and the Certifying Authority shall comply with such order.

(4) No appeal shall lie to any court from the decision of the Minister.

(As amended by Act No. 21 of 1995)

14. (1) The Certifying Authority may, at any time, alter any registration of any registered seed importer or registered seed cleaner upon application by the registered seed importer or registered seed cleaner, as the case may be, or by the personal representative of a deceased registered seed importer or registered seed cleaner or, in the case of an incorporated body being the registered seed importer or registered seed cleaner, as the case may be, by the managing director or the liquidator of such registered seed importer or registered seed cleaner.

Alteration of registration of seed importer or seed cleaner

(2) The Certifying Authority, at any time, without an application under subsection (1), may alter any registration of any registered seed importer or registered seed cleaner in any respect in which such registration appears to it to be erroneous or misleading.

(3) The following provisions shall apply and have effect in relation to any proposed alteration under subsection (2):

(a) the Certifying Authority shall not make any such alteration unless it has given to the registered seed importer or registered seed cleaner, as the case may be, or his personal representative, or its managing director or liquidator, as the case may be, at least fourteen days' notice in writing that the Certifying Authority has under its consideration the making of such alteration and stating the grounds on which such alteration is so under consideration;

(b) the Certifying Authority shall consider any representations, in relation to such alteration, made to it before the expiration of the said notice by any person interested;

(c) the Certifying Authority may, if it thinks fit, cause an inquiry to be held in relation to such alteration;

(d) such alteration, if made at all, shall be made within three months after the expiration of the said notice.

(As amended by Act No. 21 of 1995)

15. (1) The Minister may from time to time, as he deems fit, exempt any class of seed importer or seed cleaner from any or all of the provisions of this Part.

Exemption from registration

(2) Any exemption granted under this section shall be in writing and shall be published in one issue of the *Gazette* and shall be effective from the date of such publication.

(3) The Minister may at any time revoke any exemption granted under this section, which revocation shall be in writing and shall be effective from the date therein stated, and notice thereof shall be published in one issue of the *Gazette*.

16. (1) Subject to the provisions of this section, there shall be payable to the Certifying Authority by any person- Registration fees

(a) on first registration of such person as a registered seed importer under this Act;

(b) on first registration of such person as a registered seed cleaner under this Act;

(c) on the annual renewal of any registration as a registered seed importer under this Act;

(d) on the annual renewal of any registration as a registered seed cleaner under this Act;

the respective registration fees prescribed in the First Schedule.

(2) Subject to the provisions of this section, there shall be payable to the Certifying Authority by any transferee from or successor in interest to any registered seed importer or any registered seed cleaner, as the case may be, on any registration of such transferee or successor in interest as registered seed importer or registered seed cleaner, as the case may be, the respective fees prescribed in the Second Schedule.

(3) Where the personal representative of a deceased registered seed importer or of a deceased registered seed cleaner, as the case may be, is registered as registered seed importer or registered seed cleaner under the provisions of paragraph (b) of sub-section (1) of section *ten*, solely in his capacity as such personal representative, no registration fee shall be charged for such provisional registration, but the fee prescribed by the Second Schedule for renewal of provisional registration shall be payable in the event of any renewal thereof.

(4) Where a surviving or nominated joint owner or partner of a deceased registered seed importer or of a deceased registered seed cleaner, as the case may be, is registered provisionally as such registered seed importer or as such registered seed cleaner under the provisions of paragraph (c) of subsection (1) of section *ten*, no registration fee shall be charged for such provisional registration, but the fee prescribed by the Second Schedule for renewal of provisional registration shall be payable in the event of any renewal thereof.

(As amended by Act No. 21 of 1995)

PART III

TESTING OF SEEDS-CERTIFYING AUTHORITY AND CERTIFYING AGENCY-OFFICIAL SEED-TESTERS

17. (1) The Certifying Authority may licence any seed company or institution as a certifying agency in any kind of seed and plant variety. Power to licence certifying agency

(2) The applications for a licence referred to in subsection (2) shall be made in such form and under such conditions as may be prescribed by the Certifying Authority.

(As amended by Act No. 21 of 1995)

18. (1) The Certifying Authority may approve any person to be an official seed inspector, sampler or tester for a certifying agency for the purposes of this Act. Designation of seed inspectors or testers

(2) The application for approval as an official seed inspector, sampler or tester shall be in such form and shall be granted on such conditions as may be prescribed by the Certifying Authority.

(As amended by Act No. 21 of 1995)

19. The Certifying Authority shall cause the following rolls to be kept: Rolls of official seed-testers, Certifying

(a) a roll of official seed-testers, which shall contain-

Authority and
Certifying
Agency stations

(i) the name and address of each official seed-tester appointed under this Act;

(ii) such other particulars as may be prescribed;

(b) a roll of Certifying Agencies, which shall contain-

(i) the name and address of each Certifying Agency established under this Act, together with its post office box number, if any;

(ii) such other particulars as may be prescribed.

(As amended by Act No. 21 of 1995)

20. (1) Any person who tests, or purports to test, for the purposes of this Act, any prescribed seed, in any place not being Certifying Agencies shall be guilty of an offence.

Prohibition
against testing of
prescribed seed
except in
Certifying
Authority or
Certifying agency
stations

(2) Upon conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare any machinery, equipment and chemicals and any such prescribed seed found in such place to be forfeited or order them to be destroyed, without compensation; or may both declare them to be so forfeited and order them to be so destroyed, without compensation.

21. (1) Save as provided by section *seventy-eight*, any person who, having produced or acquired any prescribed seed which has not been tested pursuant to this section, or deemed to have been tested under the provisions of subsection (4) of section *forty-four*, intends to sell the same for sowing, shall, prior to offering the same for sale, cause a sample thereof to be taken in the manner prescribed, and shall cause the said sample to be delivered to a Certifying Agency together with a statement in writing specifying the origin, kind, variety and quantity of

Delivery of
samples for
official test

the said prescribed seed, and such other particulars as may be prescribed, and upon such delivery shall pay the prescribed fees.

(2) Upon receipt at the certifying agency of any sample taken pursuant to subsection (1), the official seed-tester shall cause the said sample to be tested in the manner prescribed and shall furnish to the person who sought the test a report thereof in the form prescribed, setting out the date upon which the test was made, the findings resultant thereon, and such other particulars as may be prescribed.

22. Any reports, licences, certificates, approvals or other documents issued, granted or furnished, as the case may be, by a Certifying Authority for the purposes of this Act shall be in such form as may be prescribed.

Reports, licences,
and other
document of
Certifying
Authority

(As amended by Act No. 21 of 1995)

PART IV

INSPECTORS OF SEEDS

23. (1) There shall be inspectors of seeds, who shall be designated as Inspectors of seeds by the Minister and shall be inspectors for the purposes of this Act.

(2) The Minister shall cause a certificate of authority to be issued to each inspector.

(3) An inspector shall produce for inspection his certificate of authority upon the demand of any person affected by the exercise by him of any of his powers under this Act.

24. (1) The Minister may, from time to time, and as often as he deems it necessary, authorise any public officer (herein referred to as a duly authorised officer) to exercise the powers of an inspector of seeds under this Act.

Duly authorised
officers

(2) An authorisation made under this section may be-

(a) general: whereby the duly authorised officer shall be empowered to exercise all of the powers of an inspector of seeds anywhere in Zambia; or

(b) limited: either-

(i) as to the specific powers exercisable by the duly authorised officer; or

(ii) as to the place or district in which such powers are exercisable by him; or

(iii) as to both sub-paragraphs (i) and (ii).

(3) An authorisation made under the provisions of this section shall be in writing.

25. (1) An inspector or a duly authorised officer may take samples of any seed for any of the following purposes:

Powers of
inspectors or duly
authorised
officers to take
samples of seed

(a) for test or examination to determine whether the said seed is prescribed or restricted seed under this Act; or

(b) for test to determine whether, if it is prescribed seed, it conforms to the standards of purity and germination prescribed therefor under this Act; or

(c) for such other purposes as may be prescribed.

(2) Any sample of seed taken by an inspector or duly authorised officer under this Act shall be taken in the manner prescribed.

26. (1) An inspector or any duly authorised officer may, for any of the purposes of this Act, and at all reasonable times, enter upon-

Powers of
inspectors or duly
authorised
officers to search
premises and
seize certain

goods

(a) any land, building, premises or plant, not being the land, building, premises or plant of a registered seed cleaner, which he has reasonable cause to believe is being used in the cleaning of prescribed seed in contravention of this Act, and inspect the same and any machinery and equipment found therein; and he may seize and remove therefrom and detain any such machinery or equipment, or any prescribed seed, or any book, record or document found therein, which would afford evidence of a contravention of this Act;

(b) any land, building, premises or plant, being used by a registered seed cleaner as a seed cleaning plant, for the purpose of inspecting the same as prescribed by regulations under this Act; and if, upon such inspection, he has reasonable cause to believe that the said seed cleaning plant, or any machinery or equipment to be found therein, is being maintained, operated or used in contravention of this Act, he may seize and remove therefrom and detain any such machinery or equipment or any prescribed seed or any book, record or document found therein, which would afford evidence of a contravention of this Act; and if he has reasonable cause to believe that any of the machinery or equipment found therein is, because of a mechanical or operational defect, contributing to the distribution from the said plant of any prescribed seed which is not cleaned to the standards therefor prescribed, he may by notice in writing require the registered seed cleaner to rectify the said machinery or equipment within seven days of the receipt of such notice, and in the event of the registered seed cleaner failing to comply with the said notice, the inspector or duly authorised officer shall notify the Certifying Authority of such failure to comply;

(c) any land, building, premises or vehicle at, or in which, he has reasonable cause to believe any prescribed or restricted seed is being stored, sold or transported for sale in contravention of this Act, or is being packed in packages or other containers which are marked or labelled, or are being marked or labelled, with any description, mark or date in contravention of this Act, and in the manner prescribed take, without payment, for testing, samples of any prescribed or restricted seed found therein, and the owner of the said land, building, premises or vehicle, or his agent, or the person in custody or control thereof, shall, on demand, furnish to the inspector or duly authorised officer a statement in writing containing such particulars with respect thereto as are prescribed; and he may seize and remove therefrom and detain any prescribed or restricted seed, or any package or container, or any label, stamp or device for marking, stamping or labelling, or any book, record

or document found therein, which would afford evidence of a contravention of this Act.

(2) Any duly authorised officer shall, on demand by the owner, or the person having custody of such land, building, premises, plant or vehicle, produce his authority to enter upon such land, building, premises, plant or vehicle.

(3) Any such inspector or duly authorised officer who, under the provisions of subsection (1), seizes and detains any vehicle, equipment, prescribed or restricted seed, or any package, label, stamp or device for marking, stamping or labelling, or any book, record or document, shall give to the person from whom they were seized a receipt, signed by such inspector or officer, for such vehicle, machinery, equipment, prescribed or restricted seed, package, label, stamp or device for marking, stamping or labelling, or for such book, record or document so seized.

(4) In the event of-

(a) the Certifying Authority being advised in writing by the Director of Public Prosecutions that no prosecution consequent upon any such inspection made under subsection (1) should be instituted under this Act; or

(b) any such prosecution having been finally concluded; then, in either such event, any vehicle, machinery, equipment, prescribed or restricted seed, book, record or document, package, label, stamp or device for marking, stamping or labelling, seized during the course of such inspection and detained under the provisions of subsection (1), shall be returned to the owner thereof, or to the person from whose custody they were taken, and shall be so returned within ten days from the date of the receipt by the Certifying Authority of such advice that no prosecution should be instituted, or from the date any such prosecution has been finally concluded, as the case may be:

Provided that any such vehicle, machinery, equipment, prescribed or restricted seed, package, label, stamp or device for marking, stamping or labelling, shall not be returnable under this subsection if they have been declared by the court to be forfeited, or ordered to be destroyed, under any provision of this Act.

(As amended by Act No. 21 of 1995)

- 27.** Any person who-
- (a) obstructs or impedes an inspector or a duly authorised officer in the exercise of any of the powers conferred upon him by or under this Act; or
- (b) refuses to furnish to an inspector or a duly authorised officer, on request, any particulars or information to which the said inspector or duly authorised officer is entitled by or under this Act; or
- (c) wilfully or recklessly gives to an inspector or a duly authorised officer any false or misleading particulars or information with respect to any fact or particular to which the said inspector or duly authorised officer is entitled by or under this Act;
- shall be guilty of an offence.
- Prohibition against obstruction, etc., of inspectors and duly authorised officers

PART V

LICENSING OF SEED SELLERS

- 28.** This Part shall not apply to seed producers or to registered seed importers.
- Non-application of this Part to seed producers or to registered seed importers
- 29.** (1) A licence issued under this Part shall entitle the licensee to sell, for sowing, prescribed seed, within the terms of the licence, which shall be known as a seed seller's licence.
- Seed seller's licence
- (2) A seed seller's licence may be-
- (a) general: which licence shall be exercisable by the licensee anywhere in Zambia; or
- (b) limited: which licence shall be exercisable by the licensee in any place or premises specified in the licence; or

(c) restricted: which licence shall be a general or a limited licence restricted to the sale of prescribed seed-

(i) by wholesale only; or

(ii) by retail only; or

(d) unrestricted: which licence shall be a general or a limited licence empowering the licensee to sell prescribed seed whether by wholesale or retail within the terms of the licence.

(3) A seed seller's licence shall be valid for the period of time expressed therein or until revoked, whichever is the earlier.

30. (1) Application for a seed seller's licence shall be made to the Certifying Authority in the prescribed form and shall be accompanied by the prescribed fee.

Application for seed seller's licence

(2) As soon as practicable after the receipt of such application, the Certifying Authority shall consider the application and may grant or refuse the same.

(3) The Certifying Authority may impose such conditions with regard to the granting of any licence under this Part as it may deem to be necessary in order to ensure that the applicant complies with the provisions of this Act or with the prescribed requirements.

(As amended by Act No. 21 of 1995)

31. The Certifying Authority may refuse to issue a seed seller's licence when-

Refusal to issue seed seller's licence

(a) it is satisfied that the applicant has failed to comply with any prescribed condition precedent to the granting of an application for, or to the issue of, such licence; or

(b) the applicant, having formerly been a licensed seed seller or a registered seed importer under this Act, has been convicted of an offence under this Act; or

(c) it is satisfied that the applicant is not a fit or proper person to hold a seed seller's licence.

(As amended by Act No. 21 of 1995)

32. (1) A seed seller's licence shall be revoked by the death or in the case of a company licensee by the dissolution, of the licensee. Revocation of seed seller's licence

(2) The Certifying Authority may revoke a seed seller's licence at any time, and shall revoke the said licence when-

(a) the licensee has violated the terms of the licence; or

(b) the licensee has failed to comply with any prescribed condition attaching to the said licence; or

(c) the licensee has been convicted of more than one offence under this Act; or

(d) the licensee has failed or refused to comply with any reasonable direction as regards the sale or storage of any prescribed seed given to him in writing by an inspector or by the Certifying Authority.

(3) The Certifying Authority shall notify the licensee in writing, in the form and manner prescribed, of any revocation of his licence under the provisions of subsection (2).

(As amended by Act No. 21 of 1995)

33. (1) Any applicant for a seed seller's licence whose application has been refused or upon whom any condition has been imposed under subsection (3) of section *thirty* by the Certifying Authority, and any former licensee whose licence has been revoked, may, within one month after receipt of notice of such refusal, imposition of condition, or revocation, appeal to the Minister against the decision of the Certifying Authority: Appeal to Minister

Provided, however, that no appeal to the Minister shall lie against any revocation of any licence under the provisions of paragraphs (a) to (d), inclusive, of subsection (2) of section *thirty-two*.

(2) Every appeal under this section shall be in writing.

(3) In determining such appeal the Minister may consult with the Certifying Authority, and may uphold the decision of the Certifying Authority, or may make an order instructing the Certifying Authority-

(a) to issue the licence, as applied for in the application; or

(b) to strike out all or any of the conditions imposed by the Certifying Authority, or to amend or alter such conditions in such manner as the Minister may direct; or

(c) to cancel the revocation of the licence and to restore the same to the former licensee;
as the case may be.

(As amended by Act No. 21 of 1995)

34. (1) When a seed seller's licence has expired or has been revoked by the Certifying Authority under the provisions of subsection (2) of section *thirty-two*, the former licensee may apply to the Certifying Authority for a new seed seller's licence. Right of former licensee under expired or revoked licence to apply for new licence

(2) Any licence issued pursuant to such an application shall not be deemed to be a renewal of the expired or revoked seed seller's licence formerly held by the applicant.

(As amended by Act No. 21 of 1995)

PART VI

PRESCRIBED SEED

35. (1) The Minister may from time to time by regulation prescribe any seed, including seed potatoes, to be seed to which this Act shall apply, and may from time to time by regulation revoke any such regulation. Power of Minister to declare seed to be prescribed seed

(2) In this Act, "prescribed seed" means seed which is, by virtue of a

regulation made by the Minister under this section, for the time being prescribed seed for the purposes of this Act.

36. (1) If, upon made pursuant to section *twenty-one*, it is found and reported by an official seed-tester that any prescribed seed does not conform to the prescribed standards of germination or purity, or both, the owner thereof may cause the said prescribed seed to be treated or cleaned.

Treating and
cleaning of
prescribed seed

(2) Where any prescribed seed has been treated or cleaned in pursuance of subsection (1), the said owner may request an inspector to take, and the inspector thereupon shall take a further sample thereof in the manner prescribed, which sample shall be sent by the inspector to a Certifying Authority for further test, and the said owner may, as often as he so desires, cause further treatments or cleanings of the said prescribed seed to be effected and further tests to be made, as herein provided, until such time as the said prescribed seed is found and reported by the official seed-tester to conform to the said standards of germination and purity prescribed therefor.

(3) The report furnished by the official seed-tester upon any such further test of such prescribed seed shall supersede any earlier report of any previous test of the said prescribed seed.

(As amended by Act No. 21 of 1995)

37. (1) Save as provided by section *seventy-eight*, and subject to the provisions as to date of test of subsection (4) of section *forty-four*, any person who sells, for sowing, any prescribed seed which has been tested or deemed to have been tested in accordance with the provisions of this Act and found to conform to the standards prescribed shall-

Duties of seller
on sale of
prescribed seed

(a) if the said prescribed seed is sold in sealed containers, cause to be printed or stamped upon each such container, or upon a label attached thereto or enclosed therein and legible without opening the said container, in clear and legible letters and figures, the words "quality declared seed" and the date upon which the said prescribed seed was tested, together with such other particulars as may be prescribed;

(b) if the said prescribed seed is sold in bulk quantities-

(i) and the seller is the person who caused the said test to be made,

furnish to the buyer at the time of sale a statement in writing in the form prescribed containing the name and address of the Certifying Agency where the test was made, the date of the test, and a declaration by the seller that the bulk quantity sold by him is all or part of that from which the sample tested was taken, together with such other particulars as may be prescribed;

(ii) and the seller is not the person who caused the said test to be made, furnish to the buyer at the time of sale a copy of the statement furnished, under the provisions of sub-paragraph (i), by the person who caused such test to be made, and shall endorse thereupon a declaration that the bulk quantity sold by him is all or a part of that to which the said statement was related at the time he procured the same, together with a statement by the seller containing such other particulars as may be prescribed.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

(3) The validity of a contract for the sale of prescribed seed, or the right to enforce such a contract, shall not be affected by non-compliance with this section.

(4) For the purposes of this section-

(a) the expression in "in bulk quantities" includes any quantity of seed taken, for the purpose of a particular sale, from any larger quantity of seed, but does not include seed which is packed and sold in sealed containers;

(b) the word "sale" includes "gift", and cognate words shall be construed accordingly.

(As amended by Act No. 21 of 1995)

38. (1) Subject to the provisions of section *thirty-six*, if any sample, taken in the manner prescribed, of any prescribed seed, is, upon test, found and reported by an official seed-tester not to conform to the standards of germination and purity prescribed for such prescribed seed-

Disposal of sub-standard prescribed seed

(a) the Minister may, if the said prescribed seed is seized and detained under the provisions of this Act-

(i) subject to such conditions as to its sale and use, and to such other conditions as he may impose, direct its return either to the owner thereof, or to the person from whose custody and control it was taken; or

(ii) with the consent of the owner thereof, order it to be destroyed without compensation; or

(iii) bring proceedings in the manner prescribed by subsection (2) for its forfeiture and destruction; or

(iv) if, upon such test, the said prescribed seed is also found and certified to be in a dangerous state or injurious to the health of human beings, animals or plants, and the Minister deems it reasonably necessary so to do, order the said prescribed seed to be forfeited and destroyed, without compensation;

(b) the Minister may, if the said prescribed seed has not been seized or detained under the provisions of this Act-

(i) subject to such conditions as to its sale and use and to such other conditions as he may impose, permit the owner thereof to retain the said prescribed seed; or

(ii) with the consent of the owner thereof, order it to be destroyed without compensation;

(iii) bring proceedings in the manner prescribed by subsection (2) for its forfeiture and destruction; and may, if he deems it necessary so to do, at any time prior to or after the commencement of the said proceedings, direct that the said prescribed seed be seized and detained pending the determination of the said proceedings; or

(iv) if, upon such test, the said prescribed seed is also found and certified to be in a dangerous state or injurious to the health of human beings, animals or plants, and the Minister deems it reasonably necessary so to do, order the said prescribed seed to be forfeited and destroyed, without compensation; and may for the purposes of this sub-paragraph, if he deems it necessary so to do, order the seizure and detention of the said prescribed seed.

(2) (a) Where the Minister elects to act in pursuance of sub-paragraph (iii) of paragraph (a) of subsection (1) or of subparagraph (iii) of paragraph (b) of subsection (1), he may, in his name, bring, or cause to be brought, civil proceedings in the court against the owner of the said prescribed seed or against the person from whose custody or control the same was taken, or in whose custody or control the same is found, as agent of the owner; and in the said proceedings the Minister shall claim for a declaration by the court that the said prescribed seed does not

conform to the minimum standards of germination or purity prescribed under this Act for such prescribed seed; and for an order that it be forfeited to the Government and destroyed, without compensation.

(b) Such proceedings shall be commenced by filing with the clerk of the court an affidavit, made by a public officer duly authorised by the Minister in that behalf, setting forth the relevant facts and exhibiting the report or certificate or reports or certificates upon which the declaration and order are sought.

(c) (i) Upon the filing of the said affidavit the clerk of the court shall assign a date for the hearing of the claim not less than six weeks from the date of issue of the writ of summons in accordance with the provisions of sub-paragraph (ii).

(ii) The clerk of the court shall thereupon issue a writ of summons in the form prescribed setting forth therein the date assigned for the hearing of the claim by the court.

(d) The said writ of summons shall be served upon the party named as party defendant therein in the manner prescribed in paragraph (e); and notice of the proceedings in the form prescribed shall be published in the *Gazette* not less than fourteen days prior to the date assigned for the hearing of the claim.

(e) For the purposes of this section, any writ of summons issued under the provisions of this section shall be deemed to have been served upon the party defendant if, not less than fourteen days prior to the date assigned for the hearing of the claim by the court, a true copy thereof is-

- (i) delivered to the said defendant personally; or
- (ii) addressed to him and left or forwarded by post to him at his usual or last known place of abode or business; or
- (iii) addressed to him and forwarded by registered post to his usual or last known post office box number; or
- (iv) where he is unknown, or where he has no address within Zambia, or his address is unknown, published in one issue of the *Gazette*

(f) If any party defendant served with the said writ of summons as provided in paragraph (e) wishes to defend or oppose or contest the said proceedings, he shall, in the form prescribed, give notice of his intention so to do the clerk of the court not less than five days before the date assigned in the said writ of summons for the hearing of the said

claim.

(g) If any person, who is not a party defendant, desires to defend or oppose or contest the said proceedings, he shall, not less than seven days after the publication of the notice of proceedings provided for in paragraph (d), give to the clerk of the court notice in writing of his intention so to do; whereupon he shall be entitled to appear at the hearing of the claim as if he were in every respect a party defendant.

(h) If any party defendant fails to comply with the provisions of paragraph (f), or if he, or any person who has given the notice provided for by paragraph (g), fails to appear at the hearing of the claim on the date assigned therefor, the court shall enter his default and may thereupon proceed to hear and determine the claim forthwith on the evidence of the affidavit filed under paragraph (b), and the reports or certificates exhibited therein, or may adjourn such hearing and determination to a date not more than two weeks from the date assigned for the hearing of the claim.

(i) Upon hearing the evidence adduced the court may make the declaration and order sought; or may dismiss the claim and make such order as to costs, consequential upon such dismissal, as the court deems meet.

(j) In the event of a dismissal of the claim by the court, the Minister may elect to dispose of the said prescribed seed in any other manner thereunto provided by subsection (1).

(3) It is hereby declared that anything done or any proceeding taken in terms of this section shall not prevent the institution of criminal proceedings under this Act, or under any other written law, against the owner of the said prescribed seed or his agent, or the person from whose custody and control it was taken, or in whose custody or control it is found, as the case may be, or against any other person.

(4) Any person who fails to comply with any order made or condition imposed under paragraph (a) or (b) of subsection (1) shall be guilty of an offence.

PART VII

IMPORT AND EXPORT OF SEED

39. (1) The Minister may, from time to time and as often as he deems it expedient so to do, by regulation, restrict, limit, make subject to conditions, or prohibit the importation of any particular variety or class of seed into Zambia and may from time to time, by regulation, amend or revoke any such regulation. Restricted seed

(2) Any regulation made under subsection (1) may include any particular variety or class of prescribed seed.

(3) In this Act, "restricted seed" means any seed the importation of which is, by virtue of a regulation made by the Minister under this section, for the time being restricted, limited, subject to condition or prohibited.

40. (1) Any person who, without a permit from the Minister as provided by section *forty-one*, imports any restricted seed into Zambia in contravention of any regulation made by the Minister under section *thirty-nine*, shall be guilty of an offence. Prohibition against importation of restricted seed

(2) Upon conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare any such imported restricted seed found in the possession or under the control of the defendant to be forfeited, or may order it to be destroyed, without compensation, or may both declare it to be so forfeited and order it to be so destroyed, without compensation.

41. (1) Notwithstanding the provisions of any regulation made under section *thirty-nine*, the Minister may, at any time and as often as he deems it expedient, permit the importation into Zambia of any specific restricted seed, or of any specific variety or class of restricted seed. Power of Minister to permit importation of restricted seed

(2) Any permit granted under subsection (1) shall be in writing, and may be subject to any conditions which the Minister may deem fit to impose.

(3) Where, under the provisions of this section, the Minister permits the importation of any restricted seed which is also prescribed seed, the provisions of this Act applicable to the importation, testing, sale and disposal of prescribed seed shall apply thereto as if the said prescribed seed had not been restricted seed under this Act.

(4) Any person who fails to comply with any conditions imposed by the Minister under this section shall be guilty of an offence.

42. (1) No person may import into Zambia for purposes of sale any prescribed seed for sowing, unless he is a registered seed importer.

Prohibition
against
importation of
prescribed seed
except by
registered seed
importer

(2) Any person who imports any prescribed seed into Zambia in contravention of the provisions of subsection (1) shall be guilty of an offence.

(3) Upon the conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare any such imported prescribed seed found in the possession or under the control of the defendant to be forfeited, or may order it to be destroyed, without compensation, or may both declare it to be so forfeited and order it to be so destroyed, without compensation.

43. (1) No registered seed importer shall import any prescribed seed into Zambia unless-

Conditions for
importation of
prescribed seed

(a) such seed is not restricted seed, the importation of which has been prohibited by regulation made under section *thirty-nine*;

(b) such seed is not restricted seed, the importation of which has been made subject to conditions or limitations prescribed by regulation made under section *thirty-nine* and such prescribed conditions or limitations have not been fulfilled or performed;

(c) such seed being restricted seed, the importation of which has been prohibited by regulation made under section *thirty-nine*, a permit for its importation has issued under the provisions of section *forty-one*;

(d) such seed being restricted seed, the importation of which has been made subject to conditions or limitations prescribed by regulation made under section *thirty-nine* and such prescribed conditions or limitations have not been fulfilled or performed, a permit for its importation has issued under the provisions of section *forty-one*;

(e) such seed conforms to the standards of germination and purity and other requirements prescribed therefor;

(f) if such seed is packed in a container or containers, such container or containers comply with the requirements prescribed;

(g) the genus, species and variety of such seed, and the country of its origin, is shown on an invoice or delivery note accompanying such seed at the time of its importation.

(2) The Minister may exempt any registered seed importer, or any particular species, variety or class of prescribed seed, from all or any of the provisions of subsection (1).

(3) Any exemption granted by the Minister under subsection (2) may be subject to such conditions in respect of such prescribed seed as the Minister may, in his discretion, impose.

(4) Any person who fails to comply with the provisions of this section or with any condition imposed by the Minister thereunder shall be guilty of an offence.

(5) Upon the conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare any such imported prescribed seed found in the possession or under the control of the defendant to be forfeited, or may order it to be destroyed, without compensation, or may both declare it to be so forfeited and order it to be so destroyed, without compensation.

44. (1) Upon importation into Zambia of any prescribed seed, the registered seed importer to whom the prescribed seed was consigned shall, within thirty days of its delivery to him, cause a sample thereof to be taken in the manner prescribed and sent for test to a Certifying Agency. Required test of imported prescribed seed

(2) Any such imported prescribed seed shall not be sold or otherwise disposed of by any person prior to the receipt, by the registered seed importer who imported the said prescribed seed, of a report on such test from the Certifying Authority confirming that the said imported prescribed seed conforms to the standards of germination and purity prescribed.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

(4) This section shall not apply if, at the time of importation of the said prescribed seed, the registered seed importer to whom it was consigned submits to the Certifying Agency for inspection a report of analysis from the country of origin certifying that the said seed is of a standard which conforms to the standards prescribed for such seed under this Act, and the Certifying Agency is satisfied to accept such report; whereupon the said prescribed seed shall be deemed to have been tested in accordance with this Act, and the date of test shown in such report shall be the date of test for the purposes of section *thirty-seven* and of paragraph (b) of subsection (1) of section *sixty-three*.

(As amended by Act No. 21 of 1995)

45. Nothing contained in this Act shall apply to or operate to prevent the importation by any registered seed importer, by post, of a sample of any prescribed seed, the importation of which has not been prohibited by regulation made under section *thirty-nine*, where such sample does not exceed one pound in weight and is accompanied by a declaration by the exporter that it is being imported into Zambia solely as a trade sample and is of no commercial value. Importation of trade samples of prescribed seed

46. (1) Any restricted seed brought to any part of Zambia for purposes of importation in contravention of any of the provisions of this Act or of any particular restriction, limitation or condition of importation thereunder prescribed may, wherever found, be seized and Seizure and disposal of unlawfully imported

may be detained by the Certifying Agency or an inspector or duly authorised officer, subject to the disposal thereof under the provisions of subsection (2). restricted seed

(2) If such restricted seed is detained under the provisions of subsection (1) the Minister may-

(a) order such restricted seed-

(i) to be removed from Zambia within such time as may be specified in the order; or

(ii) with the consent of the person to whom the said restricted seed was consigned, or his agent, or of the owner thereof, to be destroyed without compensation; or

(b) bring proceedings in the manner prescribed by subsection (3) for its forfeiture and destruction; or

(c) permit the removal thereof subject to such conditions as he may impose; or

(d) if the said restricted seed is also prescribed seed under this Act, order such samples of such restricted seed to be taken and tested in the manner prescribed and-

(i) if, upon such test, the said restricted seed is found and certified to conform to the standards prescribed for such prescribed seed, permit the importation thereof into Zambia, subject to such conditions as he may impose; or

(ii) if, upon such test, the said restricted seed is found and certified not to conform to the said standards prescribed, permit the importation thereof into Zambia, subject to such conditions as he may impose; or bring proceedings in the manner prescribed by subsection (3) for its forfeiture and destruction; or

(iii) if, upon such test, the said restricted seed is found and certified to be in a dangerous state or injurious to the health of human beings, animals or plants, and the Minister deems it to be reasonably necessary so to do, order the said restricted seed to be destroyed forthwith, without compensation.

(3) (a) Where the Minister elects to bring proceedings in pursuance of paragraph (b) of subsection (2) or of sub-paragraph (ii) of paragraph (d) of subsection (2), he may, in his name, bring civil proceedings in

the court against the owner of the restricted seed, or against the person to whom it was consigned, as agent of the owner, and in the said proceedings the Minister shall claim for a declaration by the court that the said restricted seed was imported into Zambia in contravention of the provisions of this Act, and for an order that it be forfeited to the Government and destroyed.

(b) Such proceedings shall be commenced by filing with the clerk of the court an affidavit, made by a public officer duly authorised by the Minister in that behalf, setting forth the relevant facts and exhibiting any certificate or certificates upon which the declaration and order are sought.

(c) (i) Upon the filing of the said affidavit, the clerk of the court shall assign a date for the hearing of the claim not less than three weeks and not more than six weeks from the date of issue of the writ of summons in accordance with the provisions of sub-paragraph (ii).

(ii) The clerk of the court shall thereupon issue a writ of summons in the form prescribed setting forth therein the date assigned for the hearing of the claim by the court.

(d) The said writ of summons shall be served upon the party named as party defendant therein in the manner prescribed in paragraph (e); and notice of the proceedings in the form prescribed shall be published in the *Gazette* not less than fourteen days prior to the date assigned for the hearing of the claim.

(e) For the purposes of this section, any writ of summons issued under the provisions of this section shall be deemed to have been served upon the party defendant if, not less than fourteen days prior to the date assigned for the hearing of the claim by the court, a true copy thereof is-

(i) delivered to the said defendant personally; or

(ii) addressed to him and left or forwarded by post to him at his usual or last known place of abode or business; or

(iii) addressed to him and forwarded by registered post to his usual or last known post office box number; or

(iv) where he is unknown, or where he has no address within Zambia, or his address is unknown, published in one issue of the *Gazette*.

(f) If any party defendant served with the said writ of summons as provided in paragraph (e) wishes to defend or oppose or contest the said proceedings, he shall, in the form prescribed, give notice of his intention so to do to the clerk of the court not less than five days before the date assigned in the said writ of summons for the hearing of the said claim.

(g) If any person, who is not a party defendant, desires to defend or oppose or contest the said proceedings, he shall, not less than seven days after the publication of the notice of proceedings provided for in paragraph (d), give to the clerk of the court notice in writing of his intention so to do; whereupon he shall be entitled to appear at the hearing of the claim as if he were in every respect a party defendant.

(h) If any party defendant fails to comply with the provisions of paragraph (f), or if he, or any person who has given the notice provided for by paragraph (g), fails to appear at the hearing of the claim on the date assigned therefor, the court shall enter his default and may thereupon proceed to hear and determine the claim forthwith on the evidence of the affidavit filed and of any certificate exhibited under paragraph (b), or may adjourn such hearing and determination to a date not more than two weeks from the date assigned for the hearing of the claim.

(i) Upon hearing the evidence adduced, the court may make the declaration and order sought; or may dismiss the claim and make such order as to costs, consequential upon such dismissal, as the court deems meet.

(j) In the event of a dismissal of the said claim, the Minister may elect to dispose of the said restricted seed in any other manner thereunto provided by subsection (1).

(4) It is hereby declared that any act done or ordered or permitted to be done in terms of this section shall not-

(a) prevent the institution of criminal proceedings under this Act or under any other written law against the person to whom the said restricted seed was consigned, or his agent, or the owner thereof, or any other person; or

(b) curtail or limit in any way whatsoever the powers or duties of the Controller of Customs and Excise or of any customs officer under Cap. 322

the Customs and Excise Act; or

(c) affect the liability of any person for the payment of customs duty in respect of the said restricted seed; or

(d) entitle any person to claim a refund of customs duty paid in respect of any restricted seed seized and dealt with in terms of this section.

(5) Any person who fails to comply with any order made or conditions imposed under this section shall be guilty of an offence.

(As amended by Act No. 21 of 1995)

47. (1) The Minister may, from time to time and as often as he deems it expedient so to do, by regulation, prohibit, limit, control or make subject to conditions, the exportation of any specific species, variety or class of prescribed seed from Zambia.

Power of
Minister to
control export of
prescribed seed

(2) Any person who contravenes any regulation made under the provisions of subsection (1) shall be guilty of an offence.

PART VIII

CERTIFIED SEED

48. This Part applies to prescribed seed which has been certified by the Minister under this Part as Zambia certified seed or imported certified seed, as the case may be.

49. The Minister may from time to time, by statutory notice, specify any particular variety of prescribed seed (hereinafter called a specified variety) which may be cultivated for the purpose of producing seed for certification as Zambia certified seed, or which may, if imported, be certified as imported certified seed under this Part.

Power of
Minister to
specify specified
varieties for
certification

50. Zambia certified seed means any prescribed seed of a specified variety which is produced in Zambia by a registered seed producer

Zambia certified
seed

under and in accordance with the provisions of this Part, and certified by the Minister under this Part as Zambia certified seed.

51. Imported certified seed means any prescribed seed of a specified variety which has been certified as certified seed under the laws of the country of its origin, which has been imported into Zambia, and which has been certified by the Minister under this Part as imported certified seed.

52. (1) Any seed producer who desires to cultivate any specified variety or varieties for purposes of certification as Zambia certified seed, shall apply to the Certifying Authority for registration as a registered seed producer.

(2) Application for registration as a registered seed producer shall be in the prescribed form and shall be accompanied by the prescribed registration fee.

(As amended by Act No. 21 of 1995)

53. For the purposes of this Part, the Certifying Authority shall cause to be kept a register of seed producers which shall contain-

- (a) the names and addresses of all registered seed producers;
- (b) particulars of the specified variety or varieties to be grown by each registered seed producer;
- (c) particulars of the location and area of the land where each such specified variety is to be grown by each registered seed producer;
- (d) particulars of the duration of the registration;
- (e) such other particulars as may be prescribed.

(As amended by Act No. 21 of 1995)

54. (1) As soon as practicable after the receipt of an application for registration as a registered seed producer, the Certifying Authority shall-

(a) if he is satisfied that-

- (i) the applicant is a person suitably qualified and experienced in seed production and capable of producing, to the standards prescribed for Zambia certified seed, seed of the specified variety or varieties set

out in the application; and

(ii) the land proposed to be used for the production of such specified variety or varieties is reasonably suited to the production of such crop;

register the applicant as a registered seed producer;

(b) if he is not satisfied as to both (i) and (ii) of paragraph (a), refuse to register the applicant.

(2) The Certifying Authority may impose such conditions and limitations upon any registration under this section as he may deem to be necessary, including limitations as to the acreage to be used in the cultivation of any particular prescribed variety by the applicant, and also including limitations as to the specified variety or specified varieties to be produced by such applicant, upon his registration as a registered seed producer.

(3) Registration under this section shall be valid for the production of one crop only of the particular specified variety or varieties to which it relates; but for the purposes of sale of Zambia certified seed produced thereunder it shall be valid for so long as is necessary for the registered seed producer to dispose of such Zambia certified seed.

(As amended by Act No. 21 of 1995)

55. (1) Where any registered seed producer, during the continuance of his registration as such-

Cancellation of registration of registered seed producer

(a) fails or ceases to comply with any provision of this Part or with any requirement or condition prescribed thereunder in respect of the production of any specified variety intended for certification as Zambia certified seed; or

(b) parts with the possession of, or is dispossessed from, the lands upon which a specified variety intended for certification as Zambia certified seed is in course of production; the Certifying Authority shall, forthwith cancel the registration of the said registered seed producer in respect of the production of the said specified variety.

(2) Where any registered seed producer, during the continuance of his registration as such-

(a) is convicted of an offence under this Act; or

(b) dies or, being an incorporated body, is dissolved;

the Certifying Authority shall forthwith cancel the registration of the said registered seed producer.

(3) In the event of a cancellation under paragraph (b) of subsection (1) or paragraph (b) of subsection (2), the successor in interest to the said registered seed producer may apply under this Part for registration as a registered seed producer in respect of the crop in course of production at the time of such cancellation.

(As amended by Act No. 21 of 1995)

56. (1) Any seed producer whose application for registration as a registered seed producer has been refused or made subject to any condition or limitation by the Certifying Authority, or any registered seed producer whose registration has been cancelled, may, within twenty-one days after such refusal, imposition of conditions or cancellation, in writing request the Certifying Authority to furnish his reasons for refusing to register the applicant or for imposing conditions or limitations upon or cancelling any registration under this Part.

Reasons for refusal to register or for cancellation: when to be furnished

(2) Within fourteen days after the receipt of such request, the Controller of Seeds shall furnish in writing to the applicant the reasons-

(a) why he refused to register the applicant as a registered seed producer; or

(b) why he imposed conditions or limitations upon such registration; or

(c) why he cancelled such registration.

(As amended by Act No. 21 of 1995)

57. (1) Any seed producer whose application for registration as a Appeal to

registered seed producer has been refused or made subject to any condition or limitation by the Certifying Authority, or any registered seed producer whose registration has been cancelled, may, within twenty-one days after his receipt of the reasons furnished pursuant to section *fifty-six*, appeal to the Minister against the decision of the Certifying Authority.

Minister

(2) Such appeal must be in writing.

(3) In determining such appeal the Minister may consult with the Certifying Authority, and may affirm the decision of the Certifying Authority, or may order the Certifying Authority-

(a) to register the appellant as a registered seed producer in the terms of his application for registration;

(b) to strike out all or any of the conditions or limitations imposed by the Certifying Authority, or to amend or alter such conditions or limitations in such manner as the Minister may direct, or to impose new or further conditions; or

(c) to restore the registration;

and the Certifying Authority shall comply with such order.

(4) No appeal shall lie to any court from the decision of the Minister.
(As amended by Act No. 21 of 1995)

58. The Minister may approve specific prescribed seed of a specified variety, which is not certified seed, which may be used by a registered seed producer in the production of Zambia certified seed of that specified variety.

Power of Minister to approve prescribed seed for production of Zambia certified seed

59. (1) Upon its being shown to the satisfaction of the Minister that particular prescribed seed-

Power of Minister to certify seed as Zambia certified

seed

- (a) is of a specified variety; and
- (b) is of known derivation; and
- (c) has been produced by a registered seed producer; and
- (d) has been produced on the land designated in the register; and
- (e) has been sown, cultivated and produced as prescribed; and
- (f) has been inspected during cultivation as prescribed; and
- (g) has been tested in the manner prescribed and found to conform to the standards of germination and purity prescribed for seed of that specified variety;

the Minister may certify such seed as Zambia certified seed.

(2) Upon certification by the Minister of any such seed as Zambia certified seed, the Certifying Authority shall issue to the registered seed producer a certificate in the prescribed form in respect of such seed, and shall cause the prescribed particulars of such certification to be entered as prescribed in the register of seed producers.

(As amended by Act No. 21 of 1995)

60. No registered seed producer shall use for the production of Zambia certified seed any certified seed which has not been approved for such purpose by the Certifying Authority, nor any other prescribed seed which has not been approved by the Minister under section *fifty-eight*.
Zambia certified seed to be produced from approved seed

(As amended by Act No. 21 of 1995)

61. (1) Upon any sale of Zambia certified seed, as Zambia certified seed, by any registered seed producer, he shall, at the time of such sale- Certificate to be produced on sale of Zambia certified seed by registered seed producer

(a) produce for inspection by the buyer the prescribed certificate issued under this Part in respect of such seed; and

(b) furnish to the buyer a true copy of the said prescribed certificate countersigned by him as the producer of the said Zambia certified seed.

(2) Any registered seed producer who fails to comply with the provisions of this section shall be guilty of an offence.

62. (1) The Minister may, upon application by a registered seed importer, certify as imported certified seed any prescribed seed of a specified variety which-

Power of
Minister to
certify imported
prescribed seed
as imported
certified seed

(a) (i) has been imported into Zambia by the applicant;
and

(ii) has been tested, or is deemed to have been tested pursuant to subsection (4) of section *forty-four*; and

(iii) has been certified as certified seed under the laws of the country of its origin; and

(iv) has been accompanied by a certificate which the Certifying Authority is willing to accept for the purposes of certification under this Part; or

(b) is shown to the satisfaction of the Minister to have been produced under conditions and to conform to standards equal to, or higher than those prescribed for the production and certification of Zambia certified seed.

(2) Upon certification by the Minister of any such seed as imported certified seed, the Certifying Authority shall issue to the registered seed importer a certificate in the prescribed form in respect of such seed, and shall cause the prescribed particulars of such certification to be entered as prescribed in the register of seed importers.

(As amended by Act No. 21 of 1995)

63. (1) Any person who sells, for sowing, any certified seed in sealed containers shall cause to be printed or stamped upon each such container or on a label or labels attached thereto, or enclosed therein in such a way as to be legible without opening the said container, in clear and legible letters and figures-

Duties of seller
on sale of
certified seed in
sealed containers

(a) in the case of Zambia certified seed, the words "Zambia certified seed" in lieu of the words "quality declared seed" as prescribed by section *thirty-seven*, the date of test and the number of the certificate issued in respect thereof; and

(b) in the case of imported certified seed, the words "Imported certified seed" in lieu of the words "quality declared seed" as prescribed by section *thirty-seven*, the date of test pursuant to section *forty-four*, and the number of the certificate issued in respect thereof;
together with such other particulars as are prescribed.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

(As amended by Act No. 21 of 1995)

64. Any person who-

(a) sells as certified seed any seed which is not certified by the Minister under this Part; or

(b) for the purposes of sale, uses, in the description or name of any seed, the word "certified" or any cognate word in relation to seed which is not certified by the Minister under this Part;
shall be guilty of an offence.

Prohibition
against sale of
uncertified seed
as certified seed

65. (1) Any person who sells in bulk quantities-

Prohibition
against sale of
certified seed
without
possession of
appropriate
certificate

(a) any Zambia certified seed or imported certified seed, for sowing, without having in his possession or under his control, at the time of such sale, the prescribed certificate or copy certificate issued or furnished under this Part in respect of such seed; or

(b) any Zambia certified seed or imported certified seed, for sowing, and who fails to furnish to the buyer, at the time of such sale, the prescribed certificate or copy certificate required to be so furnished

under this Part in respect of such seed;
shall be guilty of an offence.

(2) The validity of a contract for the sale of certified seed, or the right to enforce such a contract, shall not be affected by non-compliance with this section.

(3) For the purposes of this section, "in bulk quantities" includes any quantity of seed taken, for the purpose of a particular sale, from any larger quantity of seed, but does not include seed which is packed and sold in sealed containers.

66. Where, because of non-compliance with any of the provisions of section *fifty-nine*, the Minister refuses to certify as quality declared seed any seed of a specified variety which was produced by a registered seed producer for the purposes of such certification, and it is shown that, upon the test prescribed, the said seed conforms to the standards of germination and purity prescribed for such variety, the registered seed producer shall not, by reason of such non-certification, be precluded from selling the said seed as quality declared seed, subject to the provisions of this Act applicable to such sale.

(As amended by Act No. 21 of 1995)

PART IX

OFFENCES AND MISCELLANEOUS

67. Any person who contravenes or fails to comply with any of the provisions of this Act, or with any regulation, requirement or condition lawfully prescribed thereunder, shall be guilty of an offence.

Failure to comply with Act or regulations an offence

68. Any person, who, without a seed seller's licence, sells, by wholesale or retail, for sowing, any prescribed seed shall be guilty of an offence.

Prohibition against sale of prescribed seed without seed seller's licence

(As amended by Act No. 21 of 1995)

69. (1) Save as provided by section *seventy-eight*, no person shall sell any prescribed seed for sowing unless the said seed has previously been tested as provided by this Act, and upon such test has been found to be of the standards of germination and purity prescribed for such seed. Prohibition against sale of untested prescribed seed

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

(3) Upon the conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare any such untested prescribed seed found in the possession or under the control of the defendant to be forfeited, or may order it to be destroyed, without compensation, or may both declare it to be so forfeited and order it to be so destroyed, without compensation.

(As amended by Act No. 21 of 1995)

70. (1) If, upon test made pursuant to the provisions of this Act, any prescribed seed is found not to conform to the standards of germination and purity prescribed for such seed, and is so reported in the prescribed report on such test furnished by a Certifying Agency, such prescribed seed shall not be sold by any person, for sowing, save with the consent in writing of the Minister previously obtained, and subject to any conditions as regards such sale as the Minister may impose. Prohibition against sale of sub-standard prescribed seed

(2) Any person who sells any prescribed seed in contravention of the provisions of this section shall be guilty of an offence.

(3) Upon conviction of any person of an offence under this section, the court may, at the request of the prosecution, and in addition to any other penalty imposed, declare any such sub-standard prescribed seed found in the possession or under the control of the defendant to be forfeited, or may order it to be destroyed, without compensation, or may both declare it to be so forfeited and order it to be so destroyed, without compensation.

(As amended by Act No. 21 of 1995)

71. (1) Any person who sells, for sowing, any prescribed seed under Prohibition

any description other than its varietal name shall be guilty of an offence.

against sale of prescribed seed under name other than varietal name

(2) In this section, "varietal name" means the name given to a specific variety of seed by its originator or discoverer.

72. Any person who-

Prohibition against tampering with samples

(a) tampers with any prescribed seed so as to procure that any sample of such prescribed seed, taken under and for the purposes of this Act, does not correctly represent the bulk from which the said sample was taken; or

(b) otherwise tampers with any sample taken under this Act; or

(c) with intent to deceive, causes or permits to be sent to any Certifying Agency to be tested, for the purposes of this Act, a sample of any prescribed seed which to his knowledge does not represent the bulk from which it was taken;

shall be guilty of an offence.

(As amended by Act No. 21 of 1995)

73. Any person who, without lawful authority, alters, defaces or removes-

Prohibition against altering, defacing or removing official records, etc.

(a) any register, roll, index or other such official record maintained in pursuance of this Act or of any order, requirement or regulation made thereunder; or

(b) any entry appearing in any such register, roll, index or other such official record;

shall be guilty of an offence.

74. Any person who, without lawful authority, alters or defaces-

Prohibition against altering, etc., documents and marks

(a) any certificate, report, record, invoice, account or other document, prescribed, issued, furnished or kept under this Act or under any order, requirement, condition or regulation made thereunder; or

(b) any label, note, docket or mark placed upon any container under this Act or under any order, requirement, condition or regulation made thereunder, or who removes any such label, note, docket or mark from any such container;

shall be guilty of an offence.

75. If any person-

Secrecy

(a) being a person employed for the purposes of this Act, publishes or communicates to any person without lawful authority any information acquired by him in the course of his employment; or

(b) having possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates that information to any other person;

he shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding one hundred penalty units or to a term of imprisonment not exceeding two years, or to both.

(As amended by Act No. 13 of 1994 and 21 of 1995)

76. All registers and rolls maintained by the Certifying Authority under this Act shall, at all reasonable times, be open to the inspection of any person applying to the Certifying Authority on payment of the fee prescribed.

Inspection of registers and rolls

(As amended by Act No. 21 of 1995)

77. Until such time as specific prescribed seed is ascertained and appropriated to such contract, this Act shall not apply to any contract for the sale of prescribed seed as future goods, nor to any contract for the sale of prescribed seed the acquisition of which by the seller depends upon a contingency which may or may not happen.

When Act applies to contract of sale of prescribed seed as future goods, or upon a contingency

78. The provisions of this Act shall not apply-

When Act not applicable to sale of prescribed seed

(a) to any sale of prescribed seed (which is not quality declared seed), which has been produced by a seed producer on his own land, and is sold by him-

(i) for sowing by the buyer, and not for purposes of re-sale; or

(ii) for use as food or as farm feed or for industrial purposes; or

(iii) to a registered seed cleaner in order that it may be cleaned before being sold for sowing;

Provided that it is sold in a container or containers, upon which, or upon the label or labels attached thereto, appear clearly and legibly the words "for cleaning purposes only";

(b) to any sale of prescribed seed (which is not certified seed) by or to a person who is a member of a class exempted from the provisions of this Act by an order made by the Minister under section *seventy-nine*.

79. (*Repealed by Act No. 21 of 1995*)

PART X

PROCEEDINGS AND PENALTY

80. For the purposes of any proceedings for an offence under this Act, the offence may be treated as having been committed either at the place where it was actually committed or at the place where the person charged with the offence is, for the time being, resident, and every subordinate court shall have power to hear and determine proceedings for any such offence accordingly.

Venue of proceedings for offences

81. In any proceedings brought under this Act, the production of any report issued by a Certifying Authority, on any test made as prescribed, shall be sufficient evidence of the facts therein stated, unless the defendant or person charged requires, as regards the said report, the official seed-tester or the person who made the test to be called as a witness:

Reports on tests prima facie evidence of facts reported

Provided that this section shall not apply, as regards a report issued by a Certifying Authority, where the sample tested has been taken otherwise than in the manner prescribed.

(*As amended by Act No. 21 of 1995*)

82. (1) For the purposes of any civil proceedings on a contract of sale of prescribed seed, being a sale to which this Act applies, the prescribed particulars contained in the statement or copy statement delivered to the purchaser upon such sale in pursuance of this Act, other than the particulars relating to the germination and purity of the said prescribed seed, shall be deemed to be true, unless the contrary is

Presumption of correctness of statement for purposes of civil proceedings on contract of sale

proved, and the particulars relating to the germination and purity of the said prescribed seed shall be deemed to be true, unless it is proved, upon a test made pursuant to the provisions of subsection (2), that the said prescribed seed does not conform to the standards of germination and purity prescribed for such prescribed seed.

(2) If the purchaser of any such prescribed seed desires that a test thereof should be made for the purposes of this section, he may, at any time not later than ten days after the said seed and the said statement have been delivered to him, take a sample of the said seed in the manner prescribed and shall cause prescribed portions of the said sample to be delivered to a Certifying Agency for testing, and to such other persons, including the seller, as are prescribed.

(As amended by Act No. 21 of 1995)

83. Save where otherwise expressly provided by this Act, any person who is convicted by the court of an offence under this Act shall, in the case of a first such offence, be liable to a fine not exceeding twenty penalty units or to imprisonment for a term not exceeding three months, or to both; and in the case of a second or any subsequent offence, to a fine not exceeding fifty penalty units or to imprisonment for a term not exceeding six months, or to both. Penalty

(As amended by Act No. 13 of 1994 and 21 of 1995)

PART XI

REGULATIONS AND RULES

84. The Minister may, by statutory instrument, make regulations for the better carrying out of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision for-

- (i) the forms of registers, rolls, applications, nominations for registration, certificates of registration, reports on sampling, reports on tests, and such other forms as the Minister deems fit to prescribe under and for the purposes of this Act;
- (ii) the forms of records to be kept by the Controller of Seeds for the purposes of this Act;
- (iii) the forms of records to be kept and returns to be made by registered seed importers, registered seed cleaners, registered seed

producers and licensed seed sellers for the purposes of this Act;

(iv) the qualifications, professional and otherwise, of official seed-testers under this Act;

(v) standards of quality and performance of scientific equipment and the variety of such equipment to be maintained in any Certifying Agency;

(vi) the operation and management of Certifying Agency, including the number of official seed-testers to be attached to each such seed-testing station;

(vii) the forms of records to be kept by Certifying Agency for the purposes of this Act;

(viii) the manner in which samples are to be taken under this Act, the forms to be used in and about the taking of such samples, and the fees and expenses to be paid for and in respect of the taking of such samples under particular circumstances;

(ix) the methods to be employed by Certifying Agency and official seed-testers in the testing of prescribed seed under and for the purposes of this Act, and the fees to be paid for each such test under particular circumstances;

(x) standards of germination and purity of any variety of prescribed seed;

(xi) standards of germination and purity of specified varieties for purposes of certification as certified seed under Part VIII;

(xii) the conditions under which prescribed seed intended for sale for sowing may be displayed for sale or stored by any seed producer, registered seed importer, registered seed cleaner or licensed seed seller;

(xiii) the manner and methods of labelling, stamping, marking or sealing of containers in which any prescribed seed is sold;

(xiv) the manner and methods of labelling, stamping, marking or sealing of containers in which any seed certified under Part VIII is sold;

(xv) periodic sampling of prescribed seed;

(xvi) the prevention of the use of false or misleading statements in advertising any prescribed seed for sale;

(xvii) the prohibition or restriction of the disposal, acquisition or use of any prescribed seed as farm feed or fertiliser;

(xviii) standards of quality and performance of equipment and the variety of such equipment to be maintained at any registered seed cleaning plant;

(xix) the methods to be employed by registered seed cleaners in and about the cleaning of prescribed seed;

- (xx) the inspection of land designated by any registered seed producer as land on which he intends to produce seed for certification as Zambia certified seed;
- (xxi) the examination and testing of any seed intended for use by a registered seed producer in the production of Zambia certified seed;
- (xxii) the methods to be employed by registered seed producers in and about the cultivation and production of seed for certification as Zambia certified seed;
- (xxiii) the periodic inspection of growing crops intended for the production of seed for certification as Zambia certified seed;
- (xxiv) the control, limitation or prohibition of the cultivation by a registered seed producer of any specified crops on land contiguous or adjacent to lands upon which seed intended for certification as Zambia certified seed is being grown by the said registered seed producer;
- (xxv) the control of weeds on the land of any registered seed producer which is being used for the production of seed intended for certification as Zambia certified seed, or on any other land of the said registered seed producer adjacent or contiguous to such land;
- (xxvi) the country or countries of origin of imported seed of any specified variety, whose certificate thereof as certified seed may form the basis of an application by a registered seed importer for the certification of such seed as imported certified seed under Part VIII;
- (xxvii) the certifying authority of any specific country of origin of imported seed of a specified variety whose certificate of such seed as certified seed may be accepted for the purpose of certification of such seed as imported certified seed under Part VIII;
- (xxviii) the forms of application and other forms or documents to be used for the purposes of certification of any seed of a specified variety under Part VIII and the form of certificates to be issued or furnished in respect of such certification;
- (xxix) the control of the prices at which seed certified under Part VIII, whether as Zambia certified seed or as imported certified seed, may be sold;
- (xxx) the licence and other fees payable by an applicant for a seed seller's licence;
- (xxxi) the fees payable by a seed producer for registration as a registered seed producer under Part VIII;
- (xxxii) the exclusion of any particular variety or class of prescribed seed from any or all of the provisions of this Act.

85. The Chief Justice may, by statutory instrument, make rules providing for-

Rules of court

- (a) with respect to proceedings brought under and in accordance with the provisions of subsection (2) of section *thirty-eight* and subsection (3) of section *forty-six*, the procedure and practice of the court, the forms to be used therein, the fees payable and the costs and charges to be allowed to legal practitioners practising therein;
- (b) the proper and effectual exercise of jurisdiction by the court;
- (c) the procedure and practice relating to appeals from the court.

FIRST SCHEDULE (*Section 16*)

FEE PAYABLE ON FIRST REGISTRATION AS REGISTERED SEED IMPORTER
OR REGISTERED SEED CLEANER AND ON RENEWAL THEREOF

Fee units

- | | | |
|---|----|----|
| 1. For first registration as a registered seed importer | 60 | |
| 2. For first registration as a registered seed cleaner | 60 | |
| 3. For the annual renewal of registration as a registered seed importer | | 30 |
| 4. For the annual renewal of registration as a registered seed cleaner | | 30 |

(*As amended by Act No. 13 of 1994*)

SECOND SCHEDULE (*Section 16*)

FEES PAYABLE ON REGISTRATION OF A TRANSFEREE OR SUCCESSOR IN INTEREST

Fee units

- | | |
|---|----|
| 1. For provisional registration of a transferee from, or successor in interest to, a registered seed importer as a registered seed importer on the register of seed importers | 30 |
| 2. For provisional registration of a transferee from, or successor in interest to, a registered seed cleaner as registered seed cleaner on the register of seed cleaners | 30 |
| 3. For full registration of a transferee or successor in interest on the register of seed importers or the register of seed cleaners | 60 |
| 4. For the annual renewal of any provisional registration | 30 |

(*As amended by Act No. 13 of 1994*)

SUBSIDIARY LEGISLATION

PLANT VARIETY (POTATO SEED) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Title
2. Interpretation
3. Act to apply to potato seed
4. Certification of potato seed
5. Registration as grower
6. Evidence of class of seed grown
7. Field inspection
8. Virus post control
9. Grading and packing
10. Tuber control
11. Control growing
12. Labelling and storing of potato seed

- 13. Validity of certification
- 14. Appeals
- 15. Fees

SECTIONS 35 AND 84-PLANT VARIETY (POTATO SEED) REGULATIONS

Regulations by the Minster

*Statutory Instrument.
133 of 1984
Act No.
13 of 1994
21 of 1995*

1. These Regulations may be cited as the Plant Variety (Potato Seed) Regulations.

Title

2. (1) In these Regulations unless the context otherwise requires-

Interpretation

"control growing" means a test where growing potato plants are examined to determine cultivar purity and/or virus infection;

"cultivar" means a subdivision of any species which can be distinguished from other subdivisions of that species by means of growth, plant, fruit or other characteristics;

"defect index" means a figure giving the status of a growing crop, a control growing plot or a potato seed lot taking into consideration both frequency and severity of the defects;

"isolation" means a required distance between two crops of the same species in order to prevent contamination either mechanically or by pollination;

"off-type" means a plant which does not show the recognised and acceptable habits and characteristics of the cultivar being grown; and

"seed class" means a step in seed multiplication system well defined in respect of another seed, standard of cultivation and seed quality.

(2) Unless the context otherwise requires words and expressions not defined in these Regulations but defined in the Plant Variety and Seeds Regulations, shall, in these Regulations, have the meaning assigned thereto.

Cap. 236

3. (1) Potato seed is hereby prescribed to be seed to which the Act

Act to apply to

applies.

potato seed

(2) No potato shall be sold as seed unless it has been certified by the Controller of Seeds in accordance with these Regulations.

(3) No potato seed shall be certified under these Regulations unless it has been produced and inspected, and attains the standards, as herein provided.

4. (1) Only cultivars which have been approved by the Controller of Certification of Seeds shall be eligible for certification. potato seed

(2) Potato seed shall be certified in six classes in accordance with the First Schedule.

(3) The standards for certification shall be in accordance with the Second Schedule.

5. (1) An application for registration as a grower of potato seed shall be made in accordance with Part VIII of the Act. Registration as grower

(2) An application shall not be approved if it is in respect of land on which, during the preceding three years, potatoes or other *Solanaceous* crops have been grown.

6. The grower shall plant the class of seed appropriate for his production; and shall retain such evidence of that class as may be sufficient to satisfy the Certifying Authority in that behalf. Evidence of class of seed grown

7. (1) An inspector carrying out a field inspection shall reject a crop for certification if he is satisfied that- Field inspection

(a) the crop is so heavily contaminated with weeds as to render it unfit as seed;

(b) the crop is so heavily infested with blights as to render it unfit as seed;

(c) the isolation distance prescribed in the Second Schedule is not met;

(d) the standard relating to aphids as prescribed in the Second Schedule is not met;

(e) the standard relating to the removal from the field of undesirable plants as prescribed in the Second Schedule is not met; or

(f) the defect index as prescribed in the Second Schedule is in excess of 30.

(2) In respect of every field inspection carried out under these Regulations, a report in the appropriate form prescribed in the Third Schedule shall be rendered by the inspector and counter-signed by the grower.

8. (1) In respect of a crop intended for the production of pre-basic seed (S) or basic seed (SE), the grower shall give notice to the Certifying Authority informing him when the haulms have been destroyed and when he intends to lift the potatoes in order that before the potatoes are lifted samples may be taken for purposes of a virus post control.

Virus post control

(2) In respect of every virus post control carried out under these Regulations, a report in the appropriate form prescribed in the Third Schedule shall be rendered by the Certifying Authority.

9. (1) Potato seeds shall be graded in three sizes in accordance with the following specification:

Grading and packing

(a) Small 30-40 millimetres;

(b) Medium 41-50 millimetres;

(c) Large 51-60 millimetres.

(2) Potato seeds shall be packed in pockets or other containers

approved by the Certifying Authority.

10. (1) Potato seed shall be presented for tuber control- Tuber control

(a) not earlier than fourteen days and not later than nine months after it has been lifted; and

(b) in seed lots not exceeding five tonnes each.

(2) In respect of every tuber control carried out under these Regulations, a report in the appropriate form prescribed in the Third Schedule shall be rendered by the inspector and counter-signed by the grower.

11. (1) Potato seed samples shall be presented for control growing in Control growing accordance with instructions issued from time to time by the Certifying Authority.

(2) In respect of every control growing carried out under these Regulations, a report in the appropriate form prescribed in the Third Schedule shall be rendered by the Certifying Authority.

12. (1) Potato seed which has been certified in accordance with these Labelling and Regulations shall be sealed and labelled with the appropriate label storing of potato provided by the Certifying Authority. seed

(2) Potato seed shall be stored, both before and after certification, in a manner satisfactory to the Certifying Authority-

(a) so as to avoid disease, infection and contamination thereof;

(b) in buildings disinfected with a disinfectant approved by the Certifying Authority; and

(c) in lots separate from ware potatoes and other potato seed lots.

(3) When potato seed is stored in an open shed, in addition to the provisions of sub-regulation (2), volunteer *Solanaceous* or old

sprouting potato tubers shall not be allowed within fifty metres of such open shed.

(4) When an inspector is satisfied that potato seed has been stored contrary to the provisions of this regulation, he may-

(a) in the case of potato seed which has not been certified, refuse certification; or

(b) in the case of potato seed which has been certified, cancel such certification.

13. Unless cancelled earlier, the validity of a certification for potato seed shall be sixty days from the date of the tuber control: Validity of certification

Provided that upon the expiry of a certificate a further tuber control may be carried out and the seed may be recertified for a like period.

14. Any person aggrieved by any decision under these Regulations of an Inspector may appeal to the Certifying Authority and to the Minister from any decision of the Certifying Authority. Appeals

15. The fees prescribed in the Fourth Schedule shall be payable in respect of the matters therein set out. Fees

FIRST SCHEDULE

(Regulation 4)

POTATO SEED CERTIFICATION SCHEME

Code	Class	Parent seed and availability	Colour of label
S1 (S2, S3)	Pre-basic Seed	Produced by the breeder under the supervision of a Certifying Agency. The maximum number of generations shall not exceed three, as determined by the Certifying Agency and such number of generation shall form part of the identification.	Violet stripe on white
SE	Basic Seed	Produced from Pre-basic Seed under the supervision of a Certifying Agency. Only one generation permitted. Produced from Basic Seed and inspected by a Certifying Agency.	White
E1	Certified Seed, 1st generation	Produced from Certified Seed, 1st generation (or higher class) and inspected by a Certifying Agency.	Blue stripe on white
E2	Certified Seed, 2nd generation	Produced from Certified Seed, 2nd generation (or higher class) and inspected by a Certifying Agency.	Red stripe on white
A	Certified Seed, 3rd generation	Produced from Certified Seed, 3rd generation (or higher class) and inspected by a Certifying Agency.	Red stripe on white
B	Certified Seed, 4th generation		Green stripe on white

NOTES:

1. Field inspection is compulsory for all classes.
2. For classes S and SE virus post control is compulsory.
3. Tuber control is compulsory for all classes.
4. For classes S1 to E2 control growing is compulsory.
5. Pre-basic seed shall not be available to the public; basic seed shall be available only to registered seed growers; the other classes shall be available to the public.

SECOND SCHEDULE

(Regulations 7, 8, 10 and 11)

STANDARDS FOR CERTIFICATION OF POTATO SEED

	FIELD INSPECTION	CONTROL	VIRUS POST CONTROL	TUBER GROWING	CONTROL
QUALITY CLASS (Code)	Isolation (metres)	Defect Index (highest value)	Maximum severe virus diseases %	Defect Index (highest value)	Defect Index (highest value)
S1 (S2, S3)	150	1	0.1	10	3
SE	100	4	0.8	10	8
E1	100	8	-	10	15
E2	100	8	-	10	15
A	100	12	-	15	-
B	50	30	-	20	-

NOTES:

Field inspection

1. The isolation refers to the distance between the potato crop for certification and potato crops of lower quality classes or volunteer potato plants. Between different cultivars of the same quality class the isolation shall be at least 5 metres.
2. A potato crop will be considered heavily infested with aphids if there are more than 150 per 100 leaves taken from the lower half of a plant. Provided that haulm destruction of a heavily infested crop is carried out within seven days from the date of discovering by inspection, it may be cleared by field inspection.
3. Undesirable plants shall be cleared away as soon as possible by removing both the haulms and the tubers to a distance of at least 30 metres from every edge of the field.
4. Diseased plants, plants of other cultivars and off type plants shall be recorded as percentages by number; and the percentages found shall be multiplied by the appropriate factors set out in note 5, and the various products so obtained shall be added together to give the defect index for the particular field.
5. The factors to obtain the defect index for a field inspection shall be as follows:

<i>Defect</i>	<i>Factor</i>
Leaf roll virus (PLRV) -----	10
Severe mosaic (PVY)-----	8
Black leg-----	3
Verticillium wilt -----	2
Fusarium wilt -----	2

Wildings-----	2
Cultivar mixtures-----	1
Off-types-----	1
Mild mosaic-----	1
Bolters-----	1

Virus post control

6. Samples for virus post control shall be taken in the field after haulm destruction. A minimum of one thousand tubers per field shall be sampled.

7. The determination of virus shall be done by serological methods and/or by ocular inspection. The result shall be given as a percentage by number of infected tubers.

Tuber control

8. From each lot presented for tuber control at least five primary samples of a minimum of forty tubers each shall be drawn. The primary samples mixed together shall form the working sample to be examined. At least 500 tubers per seed lot shall be examined.

9. The working samples shall be washed, and all the tubers shall be cut through before they are examined.

10. Diseased, damaged and severely mis-shaped tubers and tubers deviating in size from the grade size shall be recorded as percentage by number; and the percentages found shall be multiplied by the appropriate factors as set out in note 11 and the various products so obtained shall be added together to give the defect index for the seed lot.

11. The factors to obtain the defect index for the tuber control of a potato seed lot are as follows:

<i>Defect</i>	<i>Factor</i>
Pink rot-----	10
Pythium rot-----	10
Soft rot-----	10
Spindle tuber-----	10
Black leg-----	3
Fusarium-----	3
Phytophthora-----	3
Other dry rots-----	3
Root knot nematodes-----	3
Alternaria-----	1
Black heart-----	1
Black scurf-----	1
Sunscald-----	1
Tuber moth-----	1
Cut worms-----	0.50
Other insect damages-----	0.50
Heel end necrosis-----	0.50
Internal heat necrosis-----	0.50
Mechanical damages-----	0.50

Powdery scab-----	0.50
Spraing-----	0.50
Common scab -----	0.25
Cracks -----	0.25
Severely mis-shapen tubers-----	0.25
Tubers of deviating size -----	0.25

12. For the purposes of an examination the following shall be ignored:

- (i) attacks by *Black scurf*, *Common scab* and *Powdery scab* if the area covered is less than 10 per cent of the total tuber area;
- (ii) *mechanical damages*, *cut worms damages*, *other insect damages* and *cracks* if the area covered is less than 10 per cent of the total tuber area or if the penetrating depth is less than 10 per cent of the tuber length;
- (iii) *internal heat necrosis* and *spraing* covering less than 10 per cent of the cut surface;
- (iv) diffuse *brown spotting*; and
- (v) size deviation of less than 5 per cent of the total tubers examined.

13. If in the case of defects with a factor of 10 or 3, the product of the percentage of defective tubers and the appropriate factor exceeds 5, the seed lot shall be rejected.

Control growing

- 14. (i) From every certified potato seed lot of the classes S1 to E2 a sample of at least 500 tubers shall be drawn for the purposes of control growing.
- (ii) The potato plants in the control plots shall be inspected frequently during their growing period and cultivar contaminations, diseases and other defects shall be recorded as percentages by number. The percentages found shall be multiplied by the various factors set out in Note 5 to obtain the defect index for a control growing.

General

- 1. For Wart Disease (*Synchytrium endobioticum*); Bacterial Wilt; Brown Rot; Ring Rot (*Pseudomonas solacearum* and *Corynebacterium sepedonicum*) and Potato Cyst Nematode (*Globodera sp.*) the tolerance is nil at *field inspection*, *tuber control* and *control growing* for all classes.
- 2. If a potato seed lot does not reach the standards for the class it has been grown; it may be approved in a lower class, or rejected for certification if found to be of a lower standard than that prescribed for Certified Seed 4th generation.

THIRD SCHEDULE

(Regulations 5, 7, 8, 10 and 11)

PRESCRIBED FORMS

FORM 1 (To be completed in duplicate)

REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY
(SEEDS) ACT, CAP. 236

PLANT VARIETY (POTATO SEED) REGULATIONS

APPLICATION FOR REGISTRATION AS SEED GROWER TO PRODUCE POTATO SEED

To: Controller of Seeds,
P.O. Private Bag 7,
Chilanga.

Name of applicant

Name and address of farm

Cultivar to be grown

Parent seed: Class Certification No

Quantity.....kg. Proposed date of planting

Previous crops grown in this field for the last three years:

Year: 19----- 19----- 19 -----

Crop:Year:----- ----- -----

Comments

Date----- Signature-----

(A map giving instructions on how to reach the farm must be drawn overleaf)

For Official Use only

Cultivar approved ----- .Hectarage approved

Conditions imposed

Date-----
Seeds Controller of

FORM 2
REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY
PLANT VARIETY AND SEEDS ACT, CAP. 236

PLANT VARIETY (POTATO SEED) REGULATIONS

FIELD INSPECTION REPORT

Registration No:

Cultivar

Grower

Farm:

Hectares -----

Isolation:-----

Metres:-----

DEFECTS:

<i>Kind</i>	<i>Number of</i>	<i>Percentage</i>	<i>Index</i>
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

Remarks

Date:

Signature of Grower:

Inspector

FORM 3
REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY
PLANT VARIETY AND SEEDS ACT, CAP. 236

PLANT VARIETY (POTATO SEED) REGULATIONS

VIRUS POST CONTROL REPORT

Registration No: Cultivar:

Grower

Farm:

Number of tubers tested:

VIRUS:

<i>Kind</i>	<i>Percentage by Number</i>
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

Date: -----

Controller of Seeds.

FORM 4
REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY
PLANT VARIETY AND SEEDS ACT, CAP. 236

PLANT VARIETY (POTATO SEED) REGULATIONS

TUBER CONTROL REPORT

Registration No: Cultivar
Seed Lot No:
Grower:
Farm:

Number of tuber tested:

<i>Kind</i>	<i>Percentage</i>	DEFECTS: <i>Index</i>
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

Date

Signature of Grower
Inspector

FORM 5
REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND WATER DEVELOPMENT
PLANT VARIETY AND SEEDS ACT, CAP. 236

PLANT VARIETY (POTATO SEED) REGULATIONS, 1984

CONTROL GROWING REPORT

Seed lot No: _____ Cultivar: _____ Certification No: _____

<i>Kind</i>	DEFECTS: <i>Index</i>
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

Remarks

Date:

Controller of Seeds

FOURTH SCHEDULE

(Regulation 15)

PRESCRIBED FEES

	Fee units
Registration fees*	225 per hectare
Virus post control fees	2 per tuber
Tuber control fees	1 per tuber
Sealing fees**	2 per bag (container)

NOTES:

* Includes prescribed field inspections and control growing.

** Irrespective of size of bag or container.

(As amended by Act No. 13 of 1994)

**SECTION 49-SPECIFIED VARIETIES OF SEED
NOTICE**

*Statutory
Instrument
155 of 1987*

Notice by the Minister

1. This Notice may be cited as the Specified Varieties of seed Notice. Title

2. The varieties of seed set out in the Schedule hereto are specified seed for certification. Specified varieties of seed

SCHEDULE

(Paragraph 2)

SPECIFIED VARIETIES (CULTIVARS) FOR CERTIFICATION

	<i>Species of Seed</i>	<i>Varieties</i>
1. Cereals	MM501	
1:1 Maize (<i>Zea mays</i> L.)	MM502 MM504 MM601 MM603 MM604 MM606 MM752 SR52 ZH1 MMV400 MMV600	
I:2 Rice (<i>Oryza sativa</i> L.)	Angola Crystal Burma Kalembe Malawi Faya Sindano Var. 1329 Var.1345 Var1632 Var7601	
I:3 Sorghum (<i>Sorghum bicolor</i> (L.) Moench)	Framida ZS/1	
I:4 Triticale (<i>X Triticosecale</i> Wittm.)	Unza-T-1	
I:5 Wheat (<i>Triticum</i> spp.)	Canary Emy Hornbill Loerie Whydah	
2. <i>Pulses</i>		
II:1 Beans (<i>Phaseolus vulgaris</i> L.)	BAT331 Caricca Contender Misamfu Speckled Sugar	

	Misamfu Stringless NEP2 Top Crop Muliana Shipepo Heron 147 Jupiter Kaleya Magoye Santa Rosa Tunia	
2:2 Cowpea Vigna unguiculata (L.) Walp.)		
2:3 Soyabean (Glycine max (L.) Merr.)		
	<i>Species of Seed</i>	<i>Varities</i>
2:4 Velvet Bean (Mucuna deeringiana (Bort) Meer)	Apard Somerset	
3. <i>Oil Crops</i>		
3:1 Ground nut (Arachis hypogaea L.)	Chalimbana Comet Makulu Pink Makulu Red Natal Common	
3:2 Sunflower (Helianthus annuus L.)	CCA-75 CCA-81 CCB-73 CH232 CH241 CH258 CH261 CH278	
4. <i>Fiber Crops</i>		
4:1 Cotton (Gossypium spp.)	Chilala Chirundu Chuzera	
4:2 Kenaf (Hibiscus cannabinus L.)	Ken Bha Kenirs Ken Kab	
5. <i>Herbage Grasses</i>		
5:1 Buffel grass (Cenchrus ciliaris L.)	Bayndah Biolela Tarewinnbar	

5:2 Guinea Grass
(*Panicum maxicum* Jacp.)

Green Panic
Hamil
Makueni
Sabi
Semper Verde

5:3 Rhodes Grass
(*Chloris gayana* Kunth.)

Giant Rhodes
Katombora

5:4 Setaria Grass
(*Setaria sphacelata* (Schum.)
Stapf et C.E. Hubb)

Kazungula
Nandi

6. *Herbae Leyumes*

6:1 Glycine
(*Glycine javanica* L.)

Clarence
Cooper
Tinaroo

6:2 Leucaena
(*Leucaena leucocephala* (Lam.) de Wit)

Cunningham
Hawaiian Giant
Peru

6:3 Lucerne
Medicago sativa L.

Hairy Peruvian
Hunter River
Sira Peruvian

6:4 Stylo
(*Stylosanthes guianensis* (Aubl.) Sw.)

Cook
Endeavour
Oxley
Schofield

7. *Vegetables*

7:1 Beet
(*Beta vulgaris* L.)

Broad Leaved
Crosby Egyptian
Detroit Dark Red
Early Flat Egyptian

Species of Seed *Varities*

Ford Hook Giant
Grimson Globe
Lucullus

7:2 Cabbage
(*Brassica oleracea* L. var. *capitata* L.)

Drummhead Late
Golden Acre
Gloria
Glory of Enkhusien

	Riana
	Rotan
7:2 Carrot (<i>Daucus carota</i> L.)	Amsterdam Forcing Chantenay Red Cored Nantes
7:4 Cauliflower (<i>Brassica oleracea</i> L. Convar botrytis (L.) Alef. var. botrytis)	Early Snowball
7:5 Kale (<i>Brassica oleracea</i> L. var. acephala DC)	Chroumoullier
7:6 Leek (<i>Allium porrum</i> L.)	Italian Giant
7:7 Lettuce (<i>Lactuca cativa</i> L.)	All the Year Round Great Lakes New York
7:8 Onion (<i>Allium cepa</i> L.)	Early Lockyer Brown Henry-s Special R2374 Texas Early Grano TropIcal Ace Yellow Dessex Yellow Granox
7:9 Pea (<i>Pisum sativum</i> L. Sensu late)	Dark Skin Perfection Green Feast Onward
7:10 Pepper (<i>Papsicum</i> spp.)	California Wonder College 642 Local Long Long thin Cyanne Yolo Wonder
7:11 Pumpkin (<i>Cucurbita pepo</i> L.)	Big Max Green Boer Queensland Blue
7:12 Rape (<i>Brassica napus</i> L.)	Giant Essex NIRS 1 Prior
7:13 Tomato (<i>Lycopersicon esculentum</i> P. Mill.)	Herald Indian River

	Margloba
	Marmande
	Moneymaker
	Monprecos
	Red Kaki
	Roforto VFN
	Roma VF
7:14 Water melon	Charleston Grey
(<i>Citrullus lanatus</i> (Thumb.) Matsun et Nahai)	Chilean Black
	Congo
	Crimson Sweet
	Sugar Baby

Species of Seed *Varities*

8. *Stimulany Crops*

8:1 Tobacco	Banket A-1
(<i>Nicotiana tabacum</i> L.)	Burley 21
	Harwin
	Hicks
	Kutsaga E1
	Kutsaga E2
	Kutsaga 51
	Kutsage 51E
	North Carolina
	SCR
	Speight G41
	White Gold
	Zambia Mammoth

9. *Tuber Crops*

9:1 Potatoes	Pentland Dell
(<i>Solanum tuberosum</i> L.)	Pimpernell
	Up to Date
	Van der Plank

PLANT VARIETY AND SEEDS REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Title
2. Interpretation
3. Prescribed seeds
4. The Seed Control and Certification Institute of Zambia
5. Sale of seed
6. Certification of seed
7. Declaration of seed quality
8. Registration as seed grower
9. Field inspection
10. Licence for seed processing
11. Seed seller's licence
12. Sampling of seed
13. Testing of seed
14. Control growing
15. Packing and labelling of seed
16. Validity of certification and quality declaration
17. Importation of seed
18. Appeals
19. Fees
20. Revocation of S.I. No. 217 of 1987 and S.I. No. 32 of 1988

FIRST SCHEDULE-Prescribed seeds

SECOND SCHEDULE-Seed for compulsory certification

THIRD SCHEDULE-Seed certification scheme

FOURTH SCHEDULE-Standards for Zambia certified seed

FIFTH SCHEDULE-Minimum standards of seed quality

SIXTH SCHEDULE-Prescribed fees

SEVENTH SCHEDULE-Prescribed forms

**SECTIONS 35 AND 84 PLANT VARIETY AND SEEDS
REGULATIONS**

Statutory Instrument
67 of 1988
157 of 1989
Act No.
13 of 1994
21 of 1995

1. These Regulations may be cited as the Plant Variety and Seeds Regulations. Title

2. In these Regulations unless the context otherwise requires- Interpretation

"Certifying Authority" means the authority established by section *three* of the Act;

"control growing" means the growing of plants under tests to determine the cultivar purity and disease infection;

"cultivar" means a subdivision of any species of seed which can be distinguished from other subdivisions of that species by means of growth, plant, fruit or other characteristics;

"field inspection" means an inspection of a seed field and includes the checking of isolation, hectarage, off-types and weeding usually as part of a seed certification programme;

"germination capacity" means the percentage by number of seeds which, in the course of a germination test, have produced normal seedlings;

"isolation" means the required distance between two crops of the same species or between two crops of too closely related species to prevent contamination either mechanically or by pollination;

'I.S.T.A.' means the International Seed Testing Association;

"noxious weed" means weed species declared noxious by the Noxious Cap. 231

Weeds Act;

"off-type plant" means a plant which does not exhibit the recognised and accepted habits and characteristics of the cultivar being grown;

"purity" means the percentage by weight of pure seed as determined by purity analysis;

"seed certification" means a system for quality control of seed multiplication and production;

"seed class" means a stage in a seed multiplication system well defined in respect of parent seed, standard of cultivation and seed quality;

"seed lot" means a specified quantity of seed, which is homogeneous and physically identifiable;

"S.C.C.I." means the Seed Control and Certification Institute of Zambia;

"variety" means cultivar;

"weed plant" is any plant which is not of the same species as the crop being grown, and which is generally considered as a weed.

3. The seeds set out in the First Schedule shall be prescribed seed for the purposes of the Act. Prescribed seeds

4. The Seed Control and Certification Institute of Zambia established under section *seventeen* is an official seed-testing station. The Seed Control and Certification Institute of Zambia

5. (1) No seed shall be offered for sale unless it has been certified or it has had its quality declared under regulation 7. Sale of Seed

(2) No species of seed set out in the Second Schedule shall be offered for sale unless it has been certified.

6. (1) No seed shall be certified unless it has been produced inspected, sampled, tested and complies with the standards set out in the Fourth Schedule. Certification of seed

(2) Seed shall be certified in six classes as set out in the Third Schedule:

Provided that a seed lot may be down-graded on the request of the applicant.

(3) Only cultivars which have been approved by the Certifying Authority shall be eligible for certification.

(4) Any crop which contains noxious weeds or noxious ergots shall not be eligible for certification.

(5) Breeders shall maintain the standards of cultivars approved under sub-regulation (3).

7. Seeds whose quality conforms to the standards set out in the Fifth Schedule shall have its quality declared as such. Declaration of seed quality

8. (1) An application for registration as a seed grower shall be made in Form I as set out in the Seventh Schedule. Registration as seed grower

(2) Each application shall be accompanied by the appropriate fee and shall refer to the growing of one crop only.

(3) An application shall not be approved in respect of land on which during the preceding season other cultivars of the same crop or other too closely related crops have been grown.

(4) On registration as a registered seed grower, the Certifying Authority shall furnish to the applicant a certificate of registration in Form 2 set out in the Seventh Schedule, which certificate shall specify

the conditions with regard to the growing of the registered seed crop.

(5) Unless the Certifying Authority decides otherwise, only one cultivar of the same species shall be permitted on the same farm.

(6) The registered seed crop shall not exceed the approved hectareage by more than ten per cent, any excess over this amount shall be destroyed without compensation, immediately on the request of an authorised seed inspector.

(7) The Certifying Authority shall keep a register of registered seed growers.

(8) The grower shall plant the appropriate parent seed for the production of his registered seed class and shall keep a record of such parentage including certification labels and invoices as may be sufficient to satisfy the Certifying Authority in this respect.

9. (1) Field inspection for the purpose of certification shall be conducted by persons authorised by the Certifying Authority to be seed inspectors. Field inspection

(2) A seed inspector conducting a field inspection shall refuse to certify a crop if he is satisfied that-

(a) the crop is so heavily contaminated with weeds, other species or disease as to render the crop unfit for seed or make inspection impracticable; or

(b) the isolation distance or the standards relating to off-types and other cultivars, prescribed in the Fourth Schedule have not been complied with; or

(c) for hybrids of maize, sorghum and sunflower there are more than three pollinating females per thousand plants;

(d) the crop exceeds the approved and registered hectareage by more than ten per cent.

(3) For the purpose of certification an inspector shall conduct at least three field inspections per crop.

(4) A report of every field inspection shall be made by a seed inspector in Form 3 set out in the Seventh Schedule, and shall be countersigned by the registered grower or his representative.

10. (1) No person shall process seeds without a licence to process seed in Form 5 of the Seventh Schedule issued by the Certifying Authority. Licence for seed processing

(2) An application for a licence to process seed shall be made in Form 4 of the Seventh Schedule and shall be accompanied by the appropriate fee.

(3) The Certifying Authority shall issue a licence to process seed if he is satisfied that the applicant has the ability and the appropriate processing facilities to produce quality seed.

(4) A licence to process seed shall-

(a) set out the conditions relating to the processing of seed;

(b) be valid for thirty-six months.

(5) The Certifying Authority shall maintain a register of holders of licences to process seed.

(6) The Certifying Authority may enter and inspect any processing premises.

11. (1) No person shall sell seeds without a seed seller's licence issued by the Certifying Authority in Form 7 set out in the Seventh Schedule. Seed seller's licence

(2) An application for a seed seller's licence shall be made in Form 6

set out in the Seventh Schedule and shall be accompanied by the appropriate fee.

(3) The Certifying Authority shall issue a seed seller's licence if he is satisfied that the applicant has the ability, knowledge and appropriate facilities to maintain the quality and viability of the seeds to be exposed for sale.

(4) A seed seller's licence shall-

(a) set out the conditions relating to the maintenance of the seeds to be exposed for sale;

(a) be valid for thirty-six months; the Certifying Authority may, however, limit the validity of such licence for any period less than thirty-six months but not less than six months, if it thinks it necessary.

(5) The Certifying Authority shall maintain a register of holders of seed sellers licence.

(6) The Certifying Authority may enter and inspect any premises where seeds are kept for sale.

12. (1) The sampling of seed lots shall be conducted in accordance with current I.S.T.A. rules. Sampling of seeds

(2) Crops from different fields of the same origin, species and cultivar which have passed field inspections may be blended and bulked to constitute one seed lot.

(3) The applicant shall provide reliable scales for checking the weight of a seed lot.

(4) The seeds inspector or authorised officer who conducts the sampling shall submit a report of his sampling in Form 8 set out in the Seventh Schedule which report shall be counter-signed by the applicant or his representative.

(5) A seed lot which has been sampled in accordance with this regulation may be moved from one place to another.

13. The official seed testers shall-

Testing of seed

- (a) test seeds in accordance with I.S.T.A. rules for seed testing on payment of the appropriate fee by the applicant;
- (b) record the results of the seed test on a certificate in Form 9 set out in the Seventh Schedule;
- (c) state in the certificate whether the seeds are marketable and the category of the seeds.

14. (1) Seed lots which have been sampled and tested under these Regulations shall be control grown in accordance with instructions issued by the S.C.C.I.

Control growing

(2) The S.C.C.I. shall submit a report on each control growing carried out under these Regulations in Form 10 set out in the Seventh Schedule.

15. (1) Certified seed lots shall be packed in bags, securely closed, sealed by a seed inspector and labelled with a certification label.

Packing and
labelling of seeds

(2) The certification label referred to in sub-regulation (1) shall state-

- (a) the seed class;
- (b) certification number;
- (c) the species and cultivar of seed;
- (d) lot number;
- (e) purity (% by weight);
- (f) germination capacity (% by number);
- (g) expiry date; and

(h) warning text in case the seed lot is treated.

(3) The inspector who sealed the bags shall submit a report of the sealing in Form 11 set out in the Seventh Schedule.

(4) Where certified seed lots have to be re-packed, the repacking shall be done only with the approval of the S.C.C.I. and under S.C.C.I.'s supervision.

(5) The seller of seed whose quality has been declared under these Regulations shall label each package of seed being offered for sale and such label shall state the species, cultivar, purity (percentage by weight), germination capacity (percentage by number) and period of validity of the declaration.

16. (1) Unless cancelled earlier, the validity of a certification-

Validity of
certification and
quality
declaration

(a) for cereals, pulses, oil crops, fibre crops and root crops shall be nine months;

(b) for herbage grasses and legumes, vegetables and stimulant crops, shall be twelve months;
from the date of completion of testing the seeds.

(2) Unless cancelled earlier, a declaration of quality for all kinds of species of seed shall be valid for twelve months from the date of completion of testing the seeds.

17. (1) No person shall import seeds for sale-

Importation of
seed

(a) without a valid seed seller's licence;

(b) a notice to import the seeds has been submitted in Form 12 set

out in the Seventh Schedule and has been approved by the Certifying Authority;

(c) if the seeds do not comply with the minimum standards set out in the Fifth Schedule.

(2) A notice to import seed shall refer to one specific quantity of seed of a given species and cultivar.

(3) The importer of seed shall on request supply S.C.C.I. with samples of the imported seed for checking its quality.

(4) The Certifying Authority may-

(a) regulate the certification of imported seed lots according to the certification scheme of Zambia;

(b) restrict the importation of any species and cultivar of seeds.

18. Any person aggrieved by any decision made under these Regulations by- Appeals

(a) an inspector or duly authorised officer may appeal to the Certifying Authority;

(b) the Certifying Authority may appeal to the Minister.

19. The fees prescribed in the Sixth Schedule shall be payable in respect of the matters set out therein. Fees

FIRST SCHEDULE

(Regulation 3)

PRESCRIBED SEEDS

CEREALS:

Barley-----	<i>Hordeum vulgare</i> L.
Finger millet-----	<i>Eleusine coracana</i> (L.) Gaertn.
Maize-----	<i>Zea mays</i> . L.
Oats-----	<i>Avena sativa</i> L.
Pearl millet-----	<i>Pennisetum glaucum</i> (L.) R.Br.
Rice-----	<i>Oryza sativa</i> L.
Rye-----	<i>Secale cereale</i> L.
Sorghum-----	<i>Sorghum bicolor</i> (L.) Moench
Triticale-----	X <i>Triticosecale</i> Wittm.
Wheat-----	<i>Triticum spp.</i>

PULSES:

Beans-----	<i>Phaseolus vulgaris</i> L.
Broad bean-----	<i>Vicia faba</i> L.
Chick pea-----	<i>Cicer arietinum</i> L.
Cowpea-----	<i>Vigna unguiculata</i> (L.) Walp.
Dolichos bean-----	<i>Dolichos lablab</i> L.
Pea-----	<i>Pisum sativum</i> L.
Soya bean-----	<i>Glycine max</i> (L.) Merr.
Velvet bean-----	<i>Mucuna deeringiana</i> (Bort)
Merr	
Common vetch-----	<i>Vicia sativa</i> L.

OIL CROPS:

Castor bean-----	<i>Ricinus communis</i> L.
Ground-nut-----	<i>Arachis hypogaea</i> L.
Linseed-----	<i>Linum usitatissimum</i> L.
Oilseed rape-----	<i>Brassica napus</i> L. var. <i>oleifera</i>
<i>Metzg.</i>	
Safflower-----	<i>Carthamus tinctorius</i> L.
Sesame-----	<i>Sesamum indicum</i> L.
Sunflower-----	<i>Helianthus annuus</i> L.

FIBRE CROPS:

Cotton-----	<i>Gossypium spp.</i>
Flax-----	<i>Linum usitatissimum</i> L.
Kenaf-----	<i>Hibiscus cannabinus</i> L.

ROOT CROPS:

Beet-----
Swede-----
napobrassica

Beta vulgaris L.
Brassica napus L. var.

(L.) Reichb

Turnip-----
Metzg.

Brassica rapa L. var. *rapifera*

HERBAGE GRASSES:

Buffel grass-----
Guinea grass-----
Paspalum grass-----
Rhodes grass-----
Ryegrass-----
Setaria grass-----
Stapf

Cenchrus ciliaris L.
Panicum maximum Jacq.
Paspalum spp.
Chloris gayana Kunth
Lolium spp.
Setaria sphacelata (Schum.)

et C. E. Hubb.

Weeping lovegrass-----
Nees

Eragrostis curvula (Schrader)

HERBAGE LEGUMES:

Centro-----
Clover-----
Glycine-----
Greenleaf-----
Urban.
Leucaena-----
de Wit.
Lucerne-----
Silverleaf-----
DC
Siratro-----
(DC)

Stylo-----
Sw.
Sunhemp-----

Centrosema pubescens Benth..
Trifolium spp.
Glycine javanica L.
Desmodium intortum (Miller)

Leucaena leucocephala (Lam.)

Medicago sativa L.
Desmodium uncinatum (Jacq.)

Macroptilium atropurpureum

Urban.

Stylosanthes guianensis (Au bl.)

Crotalaria juncea L.

VEGETABLES:

Amaranth-----
Beet-----
Brussels sprouts-----
oleracea

Beans-----
Cabbage-----
capitata L.

Amaranthus spp.
Beta vulgaris L.
Brassica oleracea L. convar.

var. *gemnifera* DC.

Phaseolus vulgaris L.
Brassica oleracea L. var.

Carrot-----
 Cauliflower-----
botrytis

 Celery-----
 Chinese cabbage-----
 Cucumber-----
 Dill-----
 Eggplant-----
 Endive-----
 Kale-----
acephala

 Leek-----
 Lettuce-----
 Muskmelon-----
 Okra-----
 Onion-----
 Parsley-----
Nyman

 Parsnip-----
 Pea-----
 Pepper-----
 Pumpkin-----
 Radish-----
radicula Pers.
 Rape-----
 Spinach-----
 Sprouting broccoli-----
botrytis

 Squash-----
Duch ex.

 Tomato-----
 Mill.
 Turnip-----
Metzg.
 Water melon-----
Matsum et

 STIMULANT CROPS:
 Tobacco-----

Daucus carota L.
Brassica oleracea L. convar
 (L) *Alef. var. botrytis*
Apium graveolens L.
Brassica chinensis L.
Cucumis sativus L.
Anethum graveolens L.
Solanum melongena L.
Cichorium endivia L.
Brassica oleracea L. var.
 DC.
Allium porrum L.
Lactuca sativa L.
Cucumis melo L.
Hibiscus esculentus L.
Allium cepa L.
Petroselinum crispum (Miller)
 ex A. W. Hill.
Pastinaca sativa L.
Pisum sativum L. *sensu lato.*
Capsicum spp.
Cucurbita pepo L.
Raphanus sativus L. var.
Brassica napus L.
Spinacea oleracea L.
Brassica oleracea L. convar
 (L.) *Alef var. cymosa Duch.*
Cucurbita moschata (Duch)
 Poir.
Lycopersicon esculentum P.
Brassica rapa L. var. *rapifera*
Citrullus lanatus (Thumb.)
Nahai
Nicotiana tobacum L.

NOTE-For potato-*Solanum tuberosum*-see *The Agriculture (Potato Seed) Regulations,*

1984, (S.I. No. 133 of 1984).

SECOND SCHEDULE

(Regulation 5)

SEED FOR COMPULSORY CERTIFICATION

SPECIES:

CEREALS:

Maize

Sorghum

Wheat

PULSES:

Soyabean

OIL CROPS:

Sunflower

THIRD SCHEDULE

(Regulation 6 (2))

SEED CERTIFICATION SCHEME

<i>Code</i>	<i>Class</i>	<i>Parent seed</i>	<i>Colour of label</i>
A	Pre-basic Seed	Produced from the breeder's parent material under control of the breeder and supervision of the S.C.C.I. More than one generation may be allowed by the Controller of Seeds	Violet stripe on white
B	Basic Seed	Produced from pre-basic seed and officially inspected Only one generation permitted	White
C1	Certified Seed, 1st generation officially	Produced from basic seed and	Blue stripe inspected on white
C2	Certified Seed, 2nd generation white	Produced from certified seed, 1st generation officially inspected	Red stripe on generation (or higher class) and
C3	Certified Seed, 3rd generation on white	Produced from certified seed, 2nd generation officially inspected	Red stripe generation (or higher class) and
D	Certified Seed, 4th generation on white	Produced from certified seed, 3rd generation officially inspected	Green stripe generation (or higher class) and
E	Emergency class	Only used when a serious shortage of seed (for certification) of essential crops occurs. The standards will be set by the Controller of Seeds	Red label

IFIED SEED

A. FIELD INSPECTION

<i>Species</i> <i>Off types and or cultivars</i>	<i>Isolation, metres (minimum)</i>									
	A	B	C1	C2-C3	D	A	B	C1	C2-C	D
CEREALS:						I. Maximum number per 10 square				
metres										
Barley -----	10	10	5	5	5	5	5	10	30	50
Oats-----	10	10	5	5	5	5	5	10	30	50
Rice-----	10	10	5	5	5	5	5	10	30	50
Rye -----	400	400	200	200	200	10	10	20	60	100
Triticale-----	20	20	10	10	10	10	10	20	60	100
Wheat-----	10	10	5	5	5	5	5	10	30	50
						II. Maximum number per 1 000 plants				
(heads)										
Finger millet---	50	50	25	10	2	2	5	5	10	
Maize----- ..	400	400	200	200	1	1	3	3	10	
Pearl millet ----	400	300	200	200	5	5	10	15	30	
Sorghum----- ..	400	400	400	300	200	2	2	5	5	10
PULSES:						I. Maximum number per 10 square				
metres										
Common vetch	100	100	50	50	25	1	1	2	2	5
Soya bean-----	10	10	5	5	5	1	1	2	2	5
Pea----- ..	100	100	50	50	50	1	1	2	2	5
						II. Maximum number per 1000 plants				
(heads)										
Beans ----- ..	50	50	25	25	10	1	1	2	2	5
Broad bean ----	200	200	100	100	50	1	1	2	2	5
Cow pea ----- ..	10	10	5	5	5	1	1	2	2	5
OIL CROPS						II. Maximum number per 1000 plants				
(heads)										
Castor bean ----	50	50	25	25	25	1	1	2	2	5
Groundnut -----	200	200	100	100	50	1	1	2	2	5
Oilseed rape ---	1000	1000	600	400	200	2	2	5	5	10
Sunflower ----- ..	2000	2000	1500	1000	1000	10	10	20	20	40

FIBRE CROPS:
(heads)

Cotton ----- ..	400	400	200	200	100	1	2	2	5	5
-----------------	-----	-----	-----	-----	-----	---	---	---	---	---

II. Maximum number per 1000 plants

metres

Flax -----	20	20	10	10	10	5	5	10	30	50
Kenaf -----	600	600	300	300	200	1	1	2	2	5

I. Maximum number per 10 square

ROOT CROPS:
(heads)

Beet -----	2 000	2 000	1 500	1 000	1 000	1	1	2	2	5
Swede -----	1 000	1 000	600	400	200	1	1	2	2	5
Turnip -----	1 000	1 000	600	400	200	1	1	2	2	5

II. Maximum number per 1000 plants

HERBAGE GRASSES:

metres

Buffel grass ----	200	200	100	100	50	1	1	2	2	5
Guinea grass ---	50	50	25	10	5	1	1	2	2	5
Rhodes grass --	200	200	100	100	50	1	1	2	2	5
Rye grass -----	400	400	200	200	200	1	1	2	2	5
Weeping lovegrass	50	50	25	10	5	1	1	2	2	5

I. Maximum number per 10 square

HERBAGE LEGUMES:

Glycine -----	300	300	200	200	100	1	1	2	2	5
Siratro -----	200	200	100	100	50	1	1	2	2	5
Stylo -----	200	200	100	100	50	1	1	2	2	5

II. Maximum number per 1000 plants

(heads)

Clover -----	400	400	300	300	200	1	1	3	10	15
Lucerne -----	400	400	300	300	200	1	1	3	10	15

VEGETABLES:

metres

Pea -----	100	100	50	50	25	1	1	2	2	5
-----------	-----	-----	----	----	----	---	---	---	---	---

II. Maximum number per 1000 plants

(heads)

Beet -----	2 000	2 000	1 500	1 500	1 000	1	1	2	2	5
Cabbage.. -----	1 000	1 000	600	400	200	2	2	5	5	10
Carrot -----	1 000	1 000	750	500	250	5	5	10	10	20
Cauliflower ----	1 000	1 000	600	400	200	2	2	5	5	10
Kale -----	1 000	1 000	600	400	200	2	2	5	5	10
Leek -----	1 500	1 500	1 000	600	400	5	5	10	10	20
Lettuce -----	100	100	50	25	25	2	2	10	15	30
Onion -----	1 500	1 000	800	600	400	5	5	10	10	20

Pepper -----	200	200	100	50	50	1	1	2	2	5
Pumpkin -----	1 000	1 000	800	600	400	2	2	10	15	30
Rape -----	1 000	1 000	600	400	200	2	2	5	5	10
Tomato -----	100	100	50	50	25	2	2	5	10	20
Water melon---	1 000	1 000	800	600	400	1	1	2	5	10

STIMULANT CROPS:

Tobacco -----	500	500	400	400	300	2	2	5	5	10
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viability, germination capacity, weed seeds and moisture

*(excluding
noxious weeds) Number*

kg (highest value) %

C1-C3	D	A-D	%
5	10	11.0	
500	1 000	11.0	
5	10	13.5	
5	10	11.0	
750	1 000	11.0	
5	10	11.0	
5	10	11.0	
200	300	11.0	
5	10	11.0	
5	10	11.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
5	10	14.0	
500	1 000	10.0	
50	100	12.0	
25	50	10.0	
50	100	10.0	
100	200	10.0	
50	100	10.0	
250	500	10.0	
500	1000	10.0	

1 000	2 000	10.0
1 000	2 000	10.0
1 000	2 000	10.0
750	1 000	10.0
1 000	2 000	10.0
200	300	10.0
200	300	10.0
250	500	10.0
250	500	10.0
250	500	10.0
50	100	10.0
50	100	8.0
1000	2 000	8.0
50	100	8.0
50	100	8.0
50	100	8.0
100	200	7.0
50	100	8.0
5	10	14.0
50	100	8.0
50	100	8.0
500	1 000	7.0
5	10	8.0
50	100	8.0
100	200	8.0

CULTIVAR IN LABORATORY TESTING

II. QUALITY REQUIREMENTS FOR PURITY OF CULTIVAR IN LABORATORY TESTING

A. MAXIMUM NUMBER (PER CENT) SEEDS OF FOREIGN CULTIVARS

	<i>Species</i>			<i>Certification Classes</i>	
	A	B	C1	C2-C3	D
CEREALS:					
Barley -----	0.1	0.1	0.3	1.0	2
Maize -----	0.1	0.1	0.3	1.0	2
Rice -----	0.5	0.5	1.0	1.5	2
Sorghum -----	0.1	0.1	0.3	0.5	1
Wheat -----	0.1	0.1	0.3	1.0	2
PULSES:					
Broad bean -----	0.1	0.1	0.2	0.2	1
Cow pea -----	0.1	0.1	0.2	0.2	1
Pea -----	0.1	0.1	0.3	1.0	2
Soyabean -----	0.1	0.1	0.2	0.2	1
OIL CROPS:					
Groundnut -----	0.1	0.1	0.2	0.2	
Sunflower -----	1.0	1.0	2.0	2.0	3

NOTES:

Even though the minimum requirements for certification have been fulfilled the certification of a seed lot shall be refused or permitted in a lower class if:

- (a) the seed to a great extent (more than 15%) is mixed with ergots or infected with seed-borne diseases and insects;
- (b) because of mould or musty smell the seed cannot be considered to stand storage without loss in germination capacity;
- (c) after considering the cultivar and the year's crop growth the seed is of unsatisfactory quality with regard to cleaning, scarifying or grading.

C. CONTROL GROWING

	<i>Species off-types, by number</i>			<i>Foreign cultivars including maximum permitted percentage</i>
	A	B	C1	C2-C3
CEREALS:				
Barley -----	0.1	0.1	0.3	0.1

Finger millet-----	0.3	0.4	0.8	2.0
Maize-----	0.1	0.1	0.3	1.0
Oats-----	0.1	0.1	0.3	1.0
Pearl millet-----	0.3	0.3	0.6	2.0
Rice-----	0.1	0.1	0.3	1.0
Rye-----	0.3	0.3	0.6	2.0
Sorghum-----	0.3	0.4	0.8	2.0
Triticale-----	0.3	0.3	0.6	2.0
Wheat-----	0.1	0.1	0.3	1.0
PULSES:				
Beans-----	0.1	0.1	0.3	1.0
Broad bean-----	0.3	0.3	0.6	2.0
Cowpea-----	0.3	0.3	0.6	2.0
Pea-----	0.1	0.1	0.3	1.0
Soyabean-----	0.1	0.1	0.3	1.0
Common vetch-----	0.1	0.1	0.3	1.0
OIL CROPS:				
Castor bean-----	0.1	0.1	0.3	1.0
Groundnut-----	0.1	0.3	0.6	2.0
Oilseed rape-----	0.3	0.3	1.0	2.0
Sunflower-----	1.5	1.5	2.5	4.5
FIBRE CROPS:				
Cotton:-----	0.1	0.1	0.3	1.0
Flax-----	0.1	0.1	0.3	1.0
Kenaf-----	0.1	0.1	0.3	1.0
ROOT CROPS:				
Beet-----	0.1	0.1	0.3	1.0
Swede-----	0.3	0.3	1.0	2.0
Turnip-----	0.3	0.3	1.0	2.0
HERBAGE GRASSES:				
Buffel grass-----	0.3	0.3	1.0	2.0
Guinea grass-----	0.3	0.3	1.0	2.0
Rhodes grass-----	0.3	0.3	1.0	2.0
Rye grass-----	0.3	0.3	1.0	2.0
Weeping love grass-----	0.3	0.3	1.0	2.0
HERBAGE LEGUMES:				
Clover-----	0.1	0.1	0.3	1.0
Glycine-----	0.3	0.3	1.0	2.0
Lucerne-----	0.1	0.1	0.3	1.0
Siratro-----	0.3	0.3	1.0	2.0
Stylo-----	0.3	0.3	1.0	2.0
VEGETABLES:				
Beet-----	0.1	0.1	0.3	1.0
Cabbage-----	0.3	0.3	1.0	2.0

Carrot-----	0.2	0.2	0.4	1.5
Cauliflower-----	0.3	0.3	1.0	2.0
Kale-----	0.3	0.3	1.0	2.0
Leek-----	0.3	0.3	1.0	2.0
LXttuce-----	0.1	0.1	0.3	1.0
Onion-----	0.3	0.3	1.0	2.0
Pea-----	0.1	0.1	0.3	1.0
Pepper-----	0.2	0.2	0.4	1.5
Pumpkin-----	0.1	0.1	0.3	1.0
Rape-----	0.3	0.3	1.0	2.0
Tomato-----	0.1	0.1	0.3	1.0
Water melon-----	0.1	0.1	0.3	1.0
STIMULANT CROPS:				
Tobacco-----	0.3	0.3	1.0	2.0

NOTES:

In review of the frequency of disease infection the S.C.C.I. determines in every special case whether the seed lot can be approved in the respective classes or not.

FIFTH SCHEDULE

(Regulation 7)

MINIMUM STANDARD OF SEED QUALITY

<i>Species</i>	<i>Purity % by weight</i>	<i>Germination capacity % by number</i>
CEREALS:		
Barley -----	98.0	85
Finger millet -----	97.5	70
Oats -----	98.0	80
Pearl millet -----	97.5	70
Rice -----	97.0	75
Rye -----	98.0	80
Triticale -----	98.0	80
PULSES:		
Beans -----	98.0	70
Broad bean -----	98.0	70
Chick pea -----	97.0	70
Cowpea -----	98.0	75
Dolichos bean -----	98.0	70
Pea -----	98.0	75
Velvet bean -----	98.0	75
Common vetch -----	97.0	70
OIL CROPS:		
Castor bean -----	98.0	70
Ground-nut -----	96.0	75
Linseed -----	97.5	75
Oilseed rape -----	98.0	75
Safflower -----	96.0	75
Sesame -----	96.0	75
FIBRE CROPS:		
Cotton -----	97.5	70
Flax -----	97.5	75
Kenaf -----	98.0	75
ROOTS CROPS:		
Beet -----	97.5	75
Swede -----	98.0	75
Turnip -----	98.0	75
HERBAGE GRASSES:		

Buffel grass-----	55.0	60 or PLSC 33%,
Guinea grass-----	50.0	50 or PLSC 33%,
Paspalum grass-----	50.0	50 or PLSC 25%
Rhodes grass-----	50.0	50 or PLSC 25%,
Rye grass-----	96.0	75
Setaria grass-----	60.0	60 or PLSC 36%,
Weeping lovegrass-----	80.0	80

HERBAGE LEGUMES:

Centro-----	98.0	55
Clover-----	97.0	70
Glycine-----	97.0	60
Greenleaf-----	95.0	70
Leucaena-----	95.0	70
Lucerne-----	98.0	70
Silverleaf-----	95.0	70
Sirat-----	97.5	75
Stylo-----	97.0	65
Sunnhemp-----	98.0	75

VEGETABLES:

Amaranth-----	93.0	70
Beet-----	97.5	75
Brussel sprouts-----	98.0	75
Beans-----	98.0	75
Cabbage-----	98.0	75
Carrot-----	97.0	65
Cauliflower-----	98.0	75
Celery-----	96.0	60
Chinese cabbage-----	98.0	75
Cucumber-----	98.0	75
Dill-----	97.0	70
Eggplant-----	98.0	60
Endive-----	95.0	70
Kale-----	98.0	75
Leek-----	98.0	70
Lettuce-----	97.0	75
Muskmelon-----	98.0	75
Okra-----	96.0	55
Onion-----	98.0	65
Parsley-----	96.0	65
Parsnip-----	96.0	55
Pea-----	98.0	70
Pepper-----	98.0	65
Pumpkin-----	98.0	75
Radish-----	98.0	75
Rape-----	98.0	75

Spinach-----	96.0	65
Sprouting broccoli-----	98.0	75
Squash-----	98.0	75
Tomato-----	98.0	75
Turnip-----	98.0	75
Water melon-----	98.0	70
STIMULANT CROPS:		
Tobacco-----	98.0	80

APPENDIX

(Regulation 2)

SIXTH SCHEDULE

(Regulation 19)

PRESCRIBED FEES

REGISTRATION AS SEED GROWER:

	Fee units
Hybrids of maizo, sorghum and sunflower	19 per hectare
All other crops..	13 per hectare
Seed Processing License:	25 per annum
Seed Seller's License:	
A. General - Restricted wholesale	23 per annum
B. General - Restricted retail	23 per annum
C. General - Unrestricted	30 per annum
D. Limited - Restricted wholesale	10 per annum
E. Limited - Restricted retail	8 per annum
F. Limited - Unrestricted	15 per annum
Sampling of seeds	6 per bag (container)

TESTING OF SEEDS

	<i>A. Determination of</i>			
	<i>Purity</i>	<i>Germination</i>	<i>number</i>	<i>Moisture content</i>
	K	K	K	K
Cereals	20.00	22.00	22.00	20.00
Pulses	20.00	22.00	22.00	20.00
Oil Crops	28.00	22.00	26.00	18.00
Fibre Crops	28.00	22.00	26.00	18.00
Root Crops	24.00	24.00	26.00	18.00
Herbage Crasses	28.00	28.00	26.00	18.00
Herbage Legumos	24.00	24.00	26.00	18.00
Vegetables	28.00	28.00	26.00	26.00

Stimulant Crops	28.00	28.00	26.00	20.00
Others	28.00	28.00	26.00	20.00

A. Miscellaneous Tests

	K
Seed health test -----	34.00
Verification of species -----	22.00
Verification of cultivars	
-Laboratory test -----	30.00
-Control growing -----	250.00
Weight per 1000 seeds -----	22.00
TZ-test-----	37.00
Others -----	37.00

C. Certificate

	K n
ISTA-Orange International Seed Lot Certificate ----	<i>25.00 per piece</i>
ISTA-Blue International Seed Sample Certificate ---	<i>25.00 per piece</i>
Sealing of seeds -----	<i>2.50 per bag (container)</i>
Notice to import seeds-----	<i>20.00 per piece</i>

NOTES:

Fees for registration as a seed grower includes necessary field inspections
19 fee units and for all other crops 13 fee units

(As amended by S.I. no. 176 of 1989 and Act No. 13 of 1994)

SEVENTH SCHEDULE

(Regulations 8, 10, 11, 12, 13, 14, 15 and 17)

PRESCRIBED FORMS

Form 1

REPUBLIC OF ZAMBIA

(To be completed in triplicate)

MINISTRY OF AGRICULTURE AND FOOD SECURITY

PLANT VARIETY AND SEEDS REGULATIONS

APPLICATION FOR REGISTRATION AS SEED GROWER

(Regulation 8)

To: S.C.C.I.,
P.O. Box 350199
Chilanga

Name and address of applicant

Name and address of farm

Species to be grown -----	Cultivar -----
Parent seed:Class -----	Certification No.-----
For hybrids:Male line -----	Female line -----
Quantity ----- kg	Proposed hectarage -----

Proposed planting date.....

Previous crops and cultivars grown in the field during the last two growing season:

Season

19.....19.....

Crop.

Cultivar

Comments

Date----- Signature -----

(A map giving clear instructions on how to reach the farm must be drawn overleaf)

FOR OFFICIAL USE ONLY

Application received

Fee paid

for.....hectares

Decision: Approval of

.....(species).....(cultivar)

Production period Conditions imposed.....

Reg. No.....

Date.....

.....

For Seed Control and Certification Institute

Form 2

REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY

PLANT VARIETY AND SEEDS REGULATIONS

CERTIFICATE OF REGISTRATION AS A SEED GROWER

(Regulation 8 (4))

Registration No.:.....

To(name)

of..... (address)

You are hereby registered as a seed grower to grow
hectares of..... (species).....(cultivar) on the
farm
for certification as..... seed class
parent seed
(specie, cultivar, cert. No.)

This registration is valid from..... 19..... to.....
.....19.....

The following conditions are imposed on this crop
.....
.....

Date.....

for Seed Control and Certification Institute

Form 3

REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY

PLANT VARIETY AND SEEDS REGULATIONS

FIELD INSPECTION REPORT No.:.....

(Regulation 9)

IDENTIFICATION:

Registration No-----

Crop

Cultivar -----.. Seed class-----

Parent seed, certification No.

Grower

Farm

INSPECTION:

Hectares..... Isolation.....Metres

Cultivar purity

.

Diseases

Other crop plants

Weed plants

Remarks

Date.....

.....

Signature of Grower or his representative
Signature of Inspector

Form 4

(To be completed in triplicate)

REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY

PLANT VARIETY AND SEEDS REGULATIONS

APPLICATION FOR SEED PROCESSING LICENCE

(Regulation 10 (2))

Applicant

Address

SPECIFICATION

Address of premises

Type of processing plant

Drying facilities

Cleaning facilities

Dressing and packing facilities

Storage facilities

Remarks

Date.....

Signature.....

FOR OFFICIAL USE ONLY

Application received.....

Fee paid.....

Inspected by
.....

Decision: [] Approved for the
period..... [] Rejected.

Conditions imposed
.....

Licence No..... Date.....

.....

Control and Certification Institute *for Seed*

Form 5

REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY

PLANT VARIETY AND SEEDS REGULATIONS

SEED PROCESSING LICENCE

(Regulation 10 (1))

A seed processing licence is hereby granted to *(name)*

.....

.....

of *(address)*

.....

for processing of seeds at *(name of premises)*

.....

.....

(address)

.....

for the period.....

19..... to.....19.....

This license is subject to the following conditions

.....

.....

.....

.....

Date.....

for Seed Control and

Certification Institute

Form 6

REPUBLIC OF ZAMBIA *(To be completed in triplicate)*

MINISTRY OF AGRICULTURE AND FOOD SECURITY

PLANT VARIETY AND SEEDS REGULATIONS

APPLICATION FOR A SEED SELLERS' LICENCE

(Regulation 11 (2))

To: S.C.C.I.
P.O. Box 350199
Chilanga

Applicant

.....

Address

.....

.....

I hereby apply for a seed seller's licence of class:

- | | |
|--|--|
| A. General-Restricted wholesale [] | B. General-Restricted retail [] |
| C. General-Unrestricted [] | D. Limited-Restricted wholesale [] |
| E. Limited-Restricted retail [] | F. Limited-Unrestricted [] |

Tick off as applicable

Name and address of premises

Species to be sold

Storage facilities

Date.....

Signature.....

FOR OFFICIAL USE ONLY

Application received.....

Fee paid.....

Inspected by

.....

Decision: [] Approved for the
period..... [] Rejected

Conditions imposed

.....

.....

Licence No.....

Date.....

for

Certifying Authority

Form 7

REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY

PLANT VARIETY AND SEEDS REGULATIONS

SEED SELLER'S LICENCE

Licence No.....

A seed seller's licence of class

is

hereby granted to (*name*)

(*address*)

for trading of seeds at (*name of premises*)

(*address*)

for the period.....

19..... to.....19.....

This licence is subject to the following conditions.

Date.....

for Certifying Authority

Form 8

REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY

PLANT VARIETY AND SEEDS REGULATIONS

SAMPLING REPORT

(Regulation 12)

No.....

Applicant

Address

Registration No.....

Certification No.....

Crop ----- Cultivar-----

Lot No ----- Weight of lot ----- kg:

Intended seed class

Number of labels required

Remarks

Date.....

*Signature of Applicant or his
representative*

Signature of Sampler/Inspector

Form 9

REPUBLIC OF ZAMBIA
MINISTRY OF AGRICULTURE AND FOOD SECURITY
PLANT VARIETY AND SEEDS REGULATIONS
SEED CERTIFICATE

(Regulation 13)

SEED CONTROL AND CERTIFICATION INSTITUTE OF ZAMBIA

Species		Cultivar		
Test No.	Date Recieved		Date sampled	
Lot No.	Origin			Weight of Lot: kg

Name and address of applicant

Purity, % weight				Germination, % number					Germination Capacity, %
Pure seed	Inert Matter	Other Crop Seed	Weed Seeds	Normal Seedlings	Hard Seeds	Fresh Seeds	Abnorma Seedlings	Dead Seeds	

Kind of inert matter:

Species and number of other crop seeds:

Species and number of weed seeds:

Moisture Content, %	Cultivar Purity, %	Weed Seeds, number per kg
---------------------	--------------------	---------------------------

Other Determinations:

Date.....
.....

for S.C.C.I.

Form 10

REPUBLIC OF ZAMBIA
MINISTRY OF AGRICULTURE AND FOOD SECURITY
PLANT VARIETY AND SEEDS REGULATIONS

SEED CONTROL AND CERTIFICATION INSTITUTE OF ZAMBIA

CONTROL GROWING REPORT

(Regulation 14)

Specie

.....

Cultivar

.....

Certification No.....

Seed Lot No.....

Seed Class.....

Planted.....

TEST RESULTS

Foreign cultivars

.....

.....

.....

Off types

.....

.....

.....

Diseased plants

.....

.....

.....

.....

Remarks

.....

.....

.....

.....

Date.....

.....

Signature, S.C.C.I.

.....
Signature of Sampler/Inspector

.....
*Signature of Applicant or
his representative*

Form 12

REPUBLIC OF ZAMBIA

MINISTRY OF AGRICULTURE AND FOOD SECURITY

PLANT VARIETY AND SEEDS REGULATIONS

NOTICE TO IMPORT SEED

(Regulation 17)

Applicant

.....

Address

.....

SPECIFICATION

Species

.....

Cultivar

.....

Quantity to be imported.....

kg

Country of origin

.....

Official marks of the seed lot

.....

Quality of the seeds (copy of seed certificate to be enclosed)

.....

.....

.....

Reasons for the importation

.....

.....

.....

Expected date for the import

.....

Date.....

.....

Signature

FOR OFFICIAL USE ONLY

Notification received.....

Fees paid.....

Remarks

.....

Notification No.

Date.....

.....

Signature

